



# TROY CITY COUNCIL

## REGULAR MEETING

### AGENDA

**JUNE 22, 2015**  
CONVENING AT 7:30 P.M.

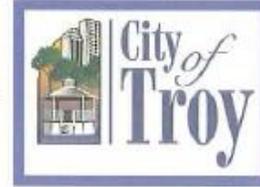
**Submitted By**  
**The City Manager**

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***NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at [clerk@troymt.gov](mailto:clerk@troymt.gov) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: Brian Kischnick, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "B. Kischnick".

Brian Kischnick, City Manager



# TROY CITY COUNCIL

## VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

### **VISION:**

To honor the legacy of the past and build a strong, vibrant future and be an attractive place to live, work, and grow a business.

### **GOALS:**

#### **Provide a safe, clean, and livable city**

- Practice good stewardship of infrastructure
- Maintain high quality professional community oriented police and fire protection
- Conserve resources in an environmentally responsible manner
- Encourage development toward a walkable, livable community

#### **Provide effective and efficient local government**

- Demonstrate excellence in community services
- Maintain fiscally sustainable government
- Attract and support a committed and innovative workforce
- Develop and maintain efficiencies with internal and external partners
- Conduct city business and engage in public policy formation in a clear and transparent manner

#### **Build a sense of community**

- Communicate internally and externally in a timely and accurate manner
- Develop platforms for transparent, deliberative and meaningful community conversations
- Involve all stakeholders in communication and engagement activities
- Encourage volunteerism and new methods for community involvement
- Implement the connectedness of community outlines in the Master Plan 2008

#### **Attract and retain business investment**

- Clearly articulate an economic development plan
- Create an inclusive, entrepreneurial culture internally and externally
- Clarify, reduce and streamline investment hurdles
- Consistently enhance the synergy between existing businesses and growing economic sectors
- Market the advantages of living and working in Troy through partnerships

2015/2016

# TOP 10 STRATEGIES

*Adopted by City Council 3/9/2015*

'Why'

We believe a strong community embraces diversity, promotes innovation, and encourages collaboration. We strive to lead by example within the region. We do this because we want everyone to choose Troy as their community for life. We believe in doing government the best.

1

Improve and invest in our assets, both people and infrastructure

Define our organizational culture

2

3

Consistently tell our story

Create a sense of place

4

5

Embrace a sustainable Library

Implement a Trails and Pathways Plan and increase walkability

6

7

Maintain strong Public Safety

Improve interaction online and in-person

8

9

Modernize wayfinding opportunities

Celebrate diversity

10



**CITY COUNCIL  
AGENDA**  
June 22, 2015 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**INVOCATION: Rev. David Huseltine From Big Beaver United Methodist Church** 1

**PLEDGE OF ALLEGIANCE:** 1

**A. CALL TO ORDER:** 1

**B. ROLL CALL:** 1

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:** 1

C-1 On Behalf of the City of Troy Employees' Casual for a Cause Program for the Months of January and February 2015, Community Affairs Director Cindy Stewart Will Present a Check in the Amount of \$585 to Pam Vanderkerkhove from Cass Community Social Services (*Presented by: Cindy Stewart, Community Affairs Director*) 1

C-2 Service Commendation Presented to Curtis Hsu, Athens High Graduate, 2015 for His Exceptional Volunteer Service to the Troy Community and Beyond (*Presented by: Mayor Dane Slater*) 1

C-3 American Public Works Association Award Project of the Year Award for the 2014 Troy Roads Rock Project Received by Steve Vandette, City Engineer, and Kurt Bovensiep, Public Works Manager (*Presented by: Chuck Hart, APWA President*) 1

C-4 Elite Fleet Award for City of Troy Fleet Division – Government Fleet Honored the Four Elite Fleets in the Nation Including the City of Troy, MI to Sam Lamerato, Fleet Superintendent, and the DPW Fleet Team (*Presented by: Mayor Dane Slater*) 2

C-5 Trails and Pathways Update (*Presented by: Kurt Bovensiep, Public Works Manager*) 2

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July 20, 2015 at 6:00 PM                      Review the Public Opinion Survey and inTeracTionTroy14

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**INVOCATION:** Rev. David Huseltine From Big Beaver United Methodist Church

**PLEDGE OF ALLEGIANCE:**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

- a) Mayor Dane Slater  
Jim Campbell  
Steve Gottlieb  
Dave Henderson  
Ellen Hodorek  
Ed Pennington  
Doug Tietz

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2015-06-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Regular City Council Meeting of June 22, 2015, due to \_\_\_\_\_.

Yes:

No:

**C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

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**C-1** On Behalf of the City of Troy Employees' Casual for a Cause Program for the Months of January and February 2015, Community Affairs Director Cindy Stewart Will Present a Check in the Amount of \$585 to Pam Vanderkerkhove from Cass Community Social Services (*Presented by: Cindy Stewart, Community Affairs Director*)

---

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**C-4** Elite Fleet Award for City of Troy Fleet Division – Government Fleet Honored the Four Elite Fleets in the Nation Including the City of Troy, MI to Sam Lamerato, Fleet Superintendent, and the DPW Fleet Team (*Presented by: Mayor Dane Slater*)

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**C-5** Trails and Pathways Update (*Presented by: Kurt Bovensiep, Public Works Manager*)

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**D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items

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**E. PUBLIC HEARINGS:**

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**E-1** No Public Hearings

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**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

**In accordance with the Rules of Procedure for the City Council, Article 17 – Members of the Public and Visitors:**

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items Not on the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any member of the public who is not a Troy resident or Troy business representative shall be allowed to speak for up to three (3) minutes to address any topic on or not on the Agenda as permitted under the Open Meetings Act during the *Comments for Items On or Not On the Agenda from Members of the Public Outside of Troy (Not Residents of Troy and Not From Troy Businesses)* portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his

or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.

- City Council may waive the requirements of this section by a majority vote of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

The following has been approved by Troy City Council as a statement of the rules of decorum for City Council meetings. The Mayor will also provide a verbal notification of these rules prior to Public Comment:

*The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are three Public Comment portions of the Agenda. For Items On the Agenda, Troy Residents and Business Owners can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Troy Residents and Business Owners can sign up to address all other topics under Items Not on the Agenda. All Speakers who do not live in Troy or own a Troy business may sign up to speak during the Comments on Items On and Not On the Agenda from Members of the Public Outside of Troy. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up. In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.*

*Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.*

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

**H. POSTPONED ITEMS:**

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**H-1** No Postponed Items

**I. REGULAR BUSINESS:**

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**I-1** Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Historic District Commission, Parks and Recreation Board, Personnel Board, Traffic Committee

a) Mayoral Appointments: None

b) City Council Appointments:

Suggested Resolution

Resolution #2015-06-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

Historic District Commission

Appointed by Council

7 Regular Members

3 Year Term

Term Expires: 5/15/2018

Timothy McGee

Term currently held by: Timothy McGee

Parks and Recreation Board

Appointed by Council

7 Regular Members and 1 Troy School Board Member:

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

Term Expires: 7/31/2016

Elizabeth Slifkin

Term currently held by: Vacancy (Student)

Personnel Board

Appointed by Council

5 Regular Members

3 Year Term

Term Expires: 4/30/2018

Edna Abraham

Term currently held by: Edna Abraham

Term Expires: 4/30/2018

P. Terry Knight

Term currently held by: P. Terry Knight

Term Expires: 4/30/2018

Lorraine New

Term currently held by: Lorraine New

Traffic Committee

Appointed by Council

7 Regular Members

3 Year Term

**Term Expires: 7/31/2016**

**Kathleen Regan**

Term currently held by: Vacancy (STUDENT)

Yes:

No:

**I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority; b) City Council Nominations – Charter Revision Committee, Historic District Commission, Traffic Committee, Zoning Board of Appeals**

**a) Mayoral Nominations:**

Suggested Resolution

Resolution #2015-06-

Moved by

Seconded by

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Brownfield Redevelopment Authority**

Appointed by Mayor  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Dziurman	Theodore	5/7/2017	4/30/2015	BCBA exp 1/1/2020	NO Reappointment
Kerwin	Mary	1/16/2017	4/30/2017		
Kornacki	Rosemary	12/12/2015	4/30/2017		
Swartz	Robert D.	12/16/2017	4/30/2017		
Vacancy			4/30/2016	Bruce Wilberding's unexpired term.	
Vassallo	Joseph J.	5/7/2017	4/30/2018		

**Nominations to the Brownfield Redevelopment Authority:**

**Term Expires: 4/30/2018**

Term currently held by: Vacancy – Bruce Wilberding's unexpired term (resigned 4/11/2014)

**Term Expires: 4/30/2018**

Term currently held by: Theodore Dziurman

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Salgat	Charles	5/20/2017	

Yes:

No:

**b) City Council Nominations:**Suggested Resolution

Resolution #2015-06-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Charter Revision Committee**

Appointed by Council

7 Regular Members

3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Berk	Robert	2/27/2015	4/30/2016	
Bernardi	Maryann	11/18/2013	4/30/2015	NO Reappointment
Bliss	Daniel	11/16/2013	4/30/2015	NO Reappointment
Howrylak	Frank	2/1/2014	4/30/2017	
Kanoza	Shirley	2/21/2015	4/30/2016	
Weisgerber	William	11/17/2013	4/30/2015	NO Reappointment
Wilsher	Cynthia	2/27/2016	4/30/2017	

**Nominations to the Charter Revision Committee:****Term Expires: 4/30/2018**

Term currently held by: Maryann Bernardi

**Term Expires: 4/30/2018**

Term currently held by: Daniel Bliss

**Term Expires: 4/30/2018**

Term currently held by: William Weisgerber

**Interested Applicants:**

No applicants on file.

**Historic District Commission**

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Chambers	Barbara	12/20/2015	3/1/2017		
McCown	Paul	7/10/2015	3/1/2017	ZBA (ALT) exp 1/31/2018	
McGee	Timothy	8/13/2014	5/15/2015		Requests Reappointment
Petrulis	Al	1/8/2016	3/1/2017	ACAB exp 9/30/2015; Traffic Comm. exp 1/31/2017	
Schuchter	Doris	11/22/2013	5/15/2015	Historical Society Recommendation	NO Reappointment
Talarico	Paula	1/8/2017	3/1/2018		
Voigt	W. Kent	1/23/2015	3/1/2016		

**Nominations to the Historic District Commission:**

**Term Expires: 5/15/2018**

Term currently held by: Doris Schuchter

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Adams	John	12/19/2016	
Huber	Laurie	6/10/2017	P&R Bd. exp 9/30/2015
Salgat	Charles	5/20/2017	

Traffic Committee

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Brandstetter	Tim	10/17/2016	1/31/2018	
Easterbrook	David	12/2/2015	1/31/2016	Stevan Popovic's unexpired term
Huotari	William			Ex-Officio Member
Kilmer	Richard	12/12/2015	1/31/2017	
Mayer	Gary			Ex-Officio Member
Nelson	William			Ex-Officio Member
Petrulis	Al	1/8/2016	1/31/2017	ACAB exp 9/30/2015
Vacancy			1/31/2016	O. Apahidean resigned 2/13/15
Vacancy			7/31/2015	Student
Wilsher	Cynthia	10/9/2016	1/31/2018	
Ziegenfelder	Peter	12/9/2015	1/31/2017	

**Nominations to the Traffic Committee:****Term Expires: 1/31/2016**

Term currently held by: Vacancy (O. Apahidean resigned 2/13/15)

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1	Notes 3
Brikho	Frencheska	3/3/2017	STUDENT	(3 <sup>rd</sup> Choice)
Huber	Robert	6/10/2017		
Regan	Kathleen	3/26/2017	STUDENT	(1 <sup>st</sup> Choice)

Zoning Board of Appeals

Appointed by Council  
7 Regular Members  
3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Clark	Glenn	4/27/2017	4/30/2015		Requests Reappointment

Courtney	Kenneth	2/25/2015	4/30/2016		
Desmond	Thomas	5/7/2017	4/30/2015		Request Reappointment
Eisenbacher	David	11/14/2013	4/30/2016		
Kaltsounis	Orestis Rusty	10/17/2016	1/31/2018	Alternate	P&R Bd exp 9/30/2015
Kneale	A. Allen	3/9/2013	4/30/2017		
Lambert	Dave	3/10/2016	4/30/2017		
McCown	Paul	7/10/2015	1/31/2018	Alternate	
Sanzica	Philip	9/24/2014	12/31/2015	PC Rep on ZBA	

**Nominations to the Zoning Board of Appeals:**

**Term Expires: 4/30/2018**

Term currently held by: Thomas Desmond

**Term Expires: 4/30/2018**

Term currently held by: Glenn Clark

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 2
Kaltsounis	Andrew	10/15/2016	Liquor Adv. Comm. exp. 1/31/2016
Sharp	John	5/12/2017	
Sinutko	Jaime	8/5/2016	

Yes:

No:

**I-3 No Closed Session Requested**

**J. CONSENT AGENDA:**

**J-1a Approval of "J" Items NOT Removed for Discussion**

Suggested Resolution

Resolution #2015-06-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) \_\_\_\_\_, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

Yes:

No:

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**J-1b Address of “J” Items Removed for Discussion by City Council**

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**J-2 Approval of City Council Minutes**Suggested Resolution

Resolution #2015-06-

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Meeting Minutes-Draft – June 8, 2015

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**J-3 Proposed City of Troy Proclamations: None Submitted**

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**J-4 Standard Purchasing Resolutions**

- a) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Carpet Replacement – Police Department and Budget Amendment**

Suggested Resolution

Resolution #2015-06-

RESOLVED, That Troy City Council hereby **AWARDS** a contract for carpet replacement at the Police Department to the low bidder; *United Flooring Center of Troy, MI*, for an estimated total amount of \$35,969.40 at unit prices contained in the bid tabulation opened June 4, 2015.

BE IT FURTHER RESOLVED, That Troy City Council **AMENDS** the 2015/2016 Police Department Capital Budget in the amount of \$36,000.00 in order to complete the project in the 2015/2016 fiscal year.

BE IT FINALLY RESOLVED, That the award is **CONTINGENT** upon the contractor's submission of properly executed bid and contract documents, Insurance Certificates, and all other specified requirements.

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**J-5 City of Troy FOIA Policy Amendments – Effective July 1, 2015**

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Suggested Resolution

Resolution #2015-06-

WHEREAS, On July 1, 2015, extensive revisions to Public Act 442 of 1976, otherwise known as the Michigan Freedom of Information Act, will go into effect; and,

WHEREAS, As of July 1, 2015, public bodies will be required to provide copies of their FOIA Policies and Public Summaries on their official websites in order to be allowed to charge fees for FOIA requests; and,

WHEREAS, The City of Troy FOIA Policy was originally adopted by Troy City Council in 2005 and is currently published on the City of Troy official website;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the amended City of Troy FOIA Policy and Guidelines, and the City of Troy FOIA Public Summary, effective July 1, 2015, copies of which shall be **MADE AVAILABLE** upon request at the City Clerk's Office and shall be **PUBLISHED** on the City of Troy official website.

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**J-6 2015 Annual Budget Amendments**

Suggested Resolution  
Resolution #2015-06-

RESOLVED, That Troy City Council hereby **APPROVES** the 2014/15 Year End Budget Amendments as submitted; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-7 Terrell Bishop v City of Troy, et. al. Lawsuit**

Suggested Resolution  
Resolution #2015-06-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy and the Troy Police Department in any and all claims and damages in the matter of *Ledell Hammond v. City of Troy, et al.* (Case No. 2:15-cv-12051). The City Attorney is also **AUTHORIZED** to pay necessary costs and fees in the defense of the action.

---

**J-8 Dandu and Moustan v City of Troy, et. al. Lawsuit**

Suggested Resolution  
Resolution #2015-06-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Dandu and Moustan v. City of Troy and Oakland County Treasurer* (Oakland County Circuit Court Case No. 2015-147152-CZ). The City Attorney is also **AUTHORIZED** to pay necessary costs and fees in the defense of the action.

---

**J-9 Ledell Hammond v City of Troy, et. al. Lawsuit**

Suggested Resolution  
Resolution #2015-06-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy and the Troy Police Department in any and all claims and damages in the matter of *Ledell Hammond v. City of Troy, et al.* (Case No. 2:15-cv-12051). The City Attorney is also **AUTHORIZED** to pay necessary costs and fees in the defense of the action.

**J-10 Exempt Classification Plan Update**Suggested Resolution

Resolution #2015-06-

WHEREAS, The Classification Plan for Exempt Employees was last revised July 2014; and,

WHEREAS, Organizational changes require updates to job titles and grade assignments in this plan;

BE IT RESOLVED, That Troy City Council hereby **APPROVES** the July 1, 2015 revisions to the Classification Plan for Exempt Employees.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None Submitted**

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**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

---

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:****M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:****N. COUNCIL REFERRALS:**

Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda

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**N-1 No Council Referrals**

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**O. COUNCIL COMMENTS:**

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**O-1 No Council Comments Advanced**

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**P. REPORTS:**

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**P-1 Minutes – Boards and Committees:**

- a) Retiree Healthcare Benefits Plan & Trust Minutes-Final – February 11, 2015
  - b) Employees' Retirement System Board of Trustees Minutes-Final – March 11, 2015
  - c) Building Code Board of Appeals-Final – May 6, 2015
  - d) Employees' Retirement System Board of Trustees Minutes-Final – May 13, 2015
  - e) Traffic Committee Minutes-Final – May 13, 2015
  - f) Planning Commission Minutes-Final – May 26, 2015
-

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**P-2 Department Reports:**

- a) Troy Public Library Chosen as Part of MCLA Library Match Project
- b) Building Department Activity Report – May, 2015
- c) SHARP (Senior Home Assistance Repair Program) Annual Report

---

**P-3 Letters of Appreciation:**

- a) To Chief Gary Mayer from Bob Gornowich Regarding Sgt. Scott Smith and Sgt. Andy Breidenich
- b) To Chief Gary Mayer from Jessica R. Cooper, Oakland County Attorney Regarding Detectives Mork, Schuler and Wolfe

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**P-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

**Q. COMMENTS ON ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):**

**R. CLOSED SESSION:**

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**R-1 No Closed Session**

**S. ADJOURNMENT:**

Respectfully submitted,



Brian Kischnick, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

**PROPOSED SPECIAL CITY COUNCIL MEETINGS AND STUDY SESSIONS:**

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

July 20, 2015 at 6:00 PM..... Review the Public Opinion Survey and inTeractionTroy

**2015 SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

- July 6, 2015 ..... Regular Meeting
- July 20, 2015 ..... Regular Meeting
- August 10, 2015 ..... Regular Meeting
- August 24, 2015 ..... Regular Meeting
- September 14, 2015..... Regular Meeting
- September 28, 2015..... Regular Meeting
- October 12, 2015..... Regular Meeting
- October 26, 2015..... Regular Meeting
- November 9, 2015..... Regular Meeting
- November 23, 2015..... Regular Meeting
- December 7, 2015..... Regular Meeting
- December 14, 2015..... Regular Meeting

**SERVICE COMMENDATION  
CURTIS HSU**

**WHEREAS, Curtis Hsu**, a 2015 Athens High School graduate Curtis Hsu represents the best of America's youth and has been a role model to his peers; and

**WHEREAS, Curtis** graduated with a 4.5278 GPA, the highest ever at Athens. In four years, Curtis successfully completed 17 out of a possible 23 Advanced Placement classes. He was accepted to Harvard University where he will start his college career in the fall; and

**WHEREAS, Curtis** not only excelled at his high school academics, he also was active in a number of extracurricular activities, including National Honor Society, Model U.N., Project L.E.A.D., Math Club, Student Advisory Board, Competitive Swimming and Cross Country; and

**WHEREAS, Curtis** is the founder and president of Charity 'Cross Continents, a group dedicated to helping needy children in Africa and South America. For their first project, they delivered gently used shoes to children in Africa. After gaining support from other Troy Schools by running shoe drives, he coordinate the collection of 1,650 usable pairs of shoes that they boxed and shipped to Tanzania; and

**WHEREAS, Curtis** was chosen as a Distinguished Finalist in the Prudential Spirit of Community Awards. This program, created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals, is designed to emphasize the importance our nation places on service to others, and to encourage all young Americans to contribute to their communities; and

**WHEREAS, Curtis** has been called a natural leader by his teachers and counselors, providing a model example of service to others and genuinely cares about lifting those up around him to be their best;

**NOW, THEREFORE, BE IT RESOLVED**, That the Troy City Council extends special recognition to **Curtis Hsu**, for his selfless and tireless service and dedication to so many worthwhile organizations over the years; and

**BE IT FURTHER RESOLVED**, That the Troy City Council and all of Troy's residents congratulate **Curtis Hsu** for being a shining example of how to give back to the community, as well as the region and wish him continued success in all future endeavors.

Signed the 22<sup>nd</sup> day of June 2015.

## Elite Fleets Recognized at GFX

June 10, 2015

*Government Fleet* staff honored the 2015 Elite Fleets today at the Government Fleet Expo & Conference (GFX). The Elite Fleets are: City of Mesa, Ariz.; City of Culver City, Calif.; City of Portland, Ore.; and **City of Troy, Mich.**

The Elite Fleets are former No. 1 fleets that continue to perform at a high level and have the same leadership. Pete Scarafiotti accepted a plaque for the City of Mesa; Paul Condran for the City of Culver City; John Hunt for the City of Portland; and **Sam Lamerato for the City of Troy.**

More information on the Elite Fleets and their operations will be published in an upcoming issue of *Government Fleet* magazine.

Pastor Dan Lewis from Troy Christian Chapel performed the Invocation. The Pledge of Allegiance to the Flag was given.

#### **A. CALL TO ORDER:**

A Regular Meeting of the Troy City Council was held on Monday, June 8, 2015, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:31 PM.

#### **B. ROLL CALL:**

Mayor Dane Slater  
Jim Campbell  
Steve Gottlieb  
Dave Henderson  
Ellen Hodorek  
Ed Pennington  
Doug Tietz – Arrived at 7:34 PM

#### **C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:**

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**C-1** Presentation by St. Nicholas Greek Orthodox Church on OPA Fest (*Presented by: Cindy Stewart, Community Affairs Director*)

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**C-2** Proclamation for Pastor Dan Lewis, Troy Christian Chapel, Celebrating 34 Years of Service (*Presented by: Mayor Dane Slater*)

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**C-3** Legislative Update by Shawn Ciavattone, Senator Knollenberg's Office (*Presented by: Mayor Dane Slater*)

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**C-4** The Garden Party 2015 (*Presented by: Shannon Louwaert, Treasurer's Office and Cindy Stewart, Community Affairs Director*)

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**C-5** Presentation on the 60<sup>th</sup> Birthday Celebration (*Presented by: Cindy Stewart, Community Affairs Director*)

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**C-6** LDFA Extension Update (*Presented by: Richard Carlisle, Planning Consultant*)

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#### **D. CARRYOVER ITEMS:**

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**D-1** No Carryover Items

#### **E. PUBLIC HEARINGS:**

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**E-1** No Public Hearings

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F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES: No Public Comment Received

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None

a) Mayoral Appointments: None

b) City Council Appointments: None

I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Historic District Commission, Parks and Recreation Board, Personnel Board, Traffic Committee

a) Mayoral Nominations: None

b) City Council Nominations:

Resolution #2015-06-075  
Moved by Campbell  
Seconded by Henderson

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

**Parks and Recreation Board**

Appointed by Council

7 Regular Members and 1 Troy School Board Member:

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

**Nominations to the Parks and Recreation Board:**

**Term Expires: 7/31/2016**

**Elizabeth Slifkin**

Term currently held by:

Vacancy (Student)

Traffic Committee

Appointed by Council  
7 Regular Members  
3 Year Term

Nominations to the Traffic Committee:

**Term Expires: 7/31/2016**

**Kathleen Regan**

Term currently held by: Vacancy (STUDENT)

Yes: All-7  
No: None

**MOTION CARRIED**

Resolution #2015-06-076  
Moved by Campbell  
Seconded by Pennington

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Historic District Commission

Appointed by Council  
7 Regular Members  
3 Year Term

Nominations to the Historic District Commission:

**Term Expires: 5/15/2018**

**Timothy McGee**

Term currently held by: Timothy McGee

Personnel Board

Appointed by Council  
5 Regular Members  
3 Year Term

Nominations to the Personnel Board:

**Term Expires: 4/30/2018**

**Edna Abraham**

Term currently held by: Edna Abraham

**Term Expires: 4/30/2018**

**P. Terry Knight**

Term currently held by: P. Terry Knight

**Term Expires: 4/30/2018**

**Lorraine New**

Term currently held by: Lorraine New

Yes: All-7  
No: None

**MOTION CARRIED**

**I-3 No Closed Session Requested**

**I-4 Updates to City Attorney’s Employment Agreement (Introduced by: Mayor Dane Slater)**

Resolution #2015-06-077  
Moved by Slater  
Seconded by Campbell

NOW THEREFORE, BE IT RESOLVED, That the attached Employment Agreement is hereby **APPROVED**, and the Mayor and Clerk are **AUTHORIZED TO SIGN** the document on behalf of the City of Troy; a copy of the executed Agreement shall be **ATTACHED** to the original Minutes of the meeting.

Yes: All-7  
No: None

**MOTION CARRIED**

**I-5 Troy Roads Rock - 2015 County Road Concrete Slab Replacement – Additional Construction Agreement – Big Beaver, Coolidge to Crooks (Introduced by: Steve Vandette, City Engineer and Kurt Bovensiep, Public Works Manager)**

Resolution #2015-06-078  
Moved by Pennington  
Seconded by Henderson

RESOLVED, That the Cost Participation Agreement between the City of Troy and the Board of County Road Commissioners for Oakland County for the 2015 County Road Concrete Slab Replacement – Additional Construction for Big Beaver Road from Adams to I-75 is hereby **APPROVED** to accept a \$200,000 contribution from the Board of Oakland County Road Commissioners for Oakland County, at no cost to the City of Troy, and the Mayor and City Clerk are **AUTHORIZED** to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7  
No: None

**MOTION CARRIED**

**J. CONSENT AGENDA:**

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**J-1a Approval of “J” Items NOT Removed for Discussion**

Resolution #2015-06-079-J-1a  
Moved by Henderson  
Seconded by Gottlieb

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

Yes: All-7  
No: None

**MOTION CARRIED**

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**J-1b Address of “J” Items Removed for Discussion by City Council**

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**J-2 Approval of City Council Minutes**

Resolution #2015-06-079-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Meeting Minutes-Draft – May 18, 2015
- 

**J-3 Proposed City of Troy Proclamations:**

Resolution #2015-06-079-J-3

- a) Proclamation to Pastor Dan Lewis, Troy Christian Chapel, Celebrating 34 Years of Service
- 

**J-4 Standard Purchasing Resolutions**

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 15-50-2015 – Water Main Replacement**

Resolution #2015-06-079-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 15-50, 2015 Water Main Replacements, to *D.V.M. Utilities, Inc., 6045 Sims Dr., Suite 2, Sterling Heights, MI, 48313* for their low total bid of \$204,849.00.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is authorized in an amount not to exceed 15% of the total project cost.

---

b) **Award Standard Purchasing Resolution 3: Exercise Renewal Option - Workers Compensation Insurance Renewal for Fiscal Year 2015/2016**

Resolution #2015-06-079-J-4b

WHEREAS, Michigan Municipal League Workers' Compensation Fund is currently and successfully providing the City of Troy's Workers' Compensation Insurance; and

WHEREAS, The City is in receipt of a renewal package from the Michigan Municipal League Workers' Compensation Fund which includes a dividend credit attributable to Fund members overall, with a .85 Experience Modification factor and a dividend credit of \$156,292.00; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

WHEREAS, The City's annual premium will be \$330,477.00; City Administration recommends approval of the one year renewal is in the best interest of the City.

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council **AGREES** to renew the Agreement with the Michigan Municipal League Workers' Compensation Fund for Workers' Compensation Insurance and **AUTHORIZES** payment in an amount not to exceed the annual premium of \$330,744.00 for one (1) year and **AUTHORIZES** the City Attorney to execute any documents necessary for the renewal of the Agreement with the Michigan Municipal League Workers' Compensation Fund; contract to expire June 30, 2016.

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**J-5 Suggested Resolution Requesting a Study Session be Scheduled on Monday, July 20, 2015 at 6:00 PM to Review the Public Opinion Survey and InterActionTroy**

Resolution #2015-06-079-J-5

RESOLVED, That Troy City Council hereby **SCHEDULES** a Study Session for the purpose of reviewing the public opinion survey and InterActionTroy on Monday, July 20, 2015 at 6:00 PM in the City Council Boardroom of Troy City Hall, 500 W. Big Beaver Rd., Troy, MI 48084.

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**J-6 Request for Recognition as a Nonprofit Organization from Red Hawk Quarterback Club**

Resolution #2015-06-079-J-6

RESOLVED, That Troy City Council hereby **APPROVES** the request from Red Hawk Quarterback Club, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

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**J-7 Appointment of SOCRRA Representative and Alternate**

Resolution #2015-06-079-J-7

RESOLVED, That Troy City Council hereby **DESIGNATES** Tim Richnak, DPW Director, as SOCRRA Representative and Kurt Bovensiep, Public Works Manager, as Alternate SOCRRA Representative with the term expiring on June 30, 2016.

---

**J-8 Request to Approve the Sale of City Owned Surplus Parcel Located in Section 36 – Sidwell #88-20-36-426-093**

Resolution #2015-06-079-J-8

RESOLVED, That Troy City Council hereby **APPROVES** the sale of a City owned surplus parcel having Sidwell #88-20-36-426-091, to *Matthew McNabb* in the amount of \$1,200.00 as stated in the Offer to Purchase, and all closing costs.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** a Warranty Deed, on behalf of the City.

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made a part of the original Minutes of this meeting.

---

**J-9 Private Agreement – Contract for Installation of Municipal Improvements – Virgilia Water and Sewer Extension – Project No. 14.903.3**

Resolution #2015-06-079-J-9

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and *Champagne Building Company*, which includes the installation of a Water Main, Sanitary Sewer, Storm Sewer and Asphalt Pavement, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-10 Private Agreement – Contract for Installation of Municipal Improvements – Somerton Sanitary Sewer Extension – Project No. 15.404.3**

Resolution #2015-06-079-J-10

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and *Sterling Construction Inc.*, which includes the installation of sanitary sewer, storm sewer and sidewalk on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None Submitted**

**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

James Savage	Spoke about Senior Citizen Prom and Thursday Night Senior Dances
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**M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

Council Member Hodorek commented that the Senior Citizen Prom that Mr. Savage spoke about was a wonderful event for the community.

**N. COUNCIL REFERRALS:**

**Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda**

**N-1 No Council Referrals**

**O. COUNCIL COMMENTS:**

**O-1 Council Comments**

Council Member Pennington thanked the citizens of Troy and the Troy employees for their condolences upon the death of his brother, Greg Pennington.

**P. REPORTS:**

**P-1 Minutes – Boards and Committees:**

- a) Zoning Board of Appeals Minutes-Final – April 21, 2015
- b) Planning Commission Minutes-Final – May 12, 2015
- c) Zoning Board of Appeals Minutes-Draft – May 19, 2015  
Noted and Filed

**P-2 Department Reports:**

- a) Letter from Cathleen Russ to Keri Clawson, Manager Macy's Somerset Regarding RIF/Macy's Be Book Smart Campaign
- b) Fireworks – June 4, 2015 Press Release  
Noted and Filed

**P-3 Letters of Appreciation:**

- a) To Cathy Russ from Karen Reish, Library Grants Coordinator at the State of Michigan, Department of Education  
Noted and Filed

**P-4** Proposed Proclamations/Resolutions from Other Organizations: None Submitted

**Q. COMMENTS ON ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):**

**R. CLOSED SESSION:**

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**R-1** No Closed Session

**S. ADJOURNMENT:**

The Meeting **ADJOURNED** at 8:25 PM.

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Mayor Dane Slater

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M. Aileen Dickson, CMC  
City Clerk



# CITY COUNCIL AGENDA ITEM

Date: June 16, 2015

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager  
 Tom Darling, Director of Financial Services  
 Gary Mayer, Police Chief  
 Joseph Haddad, Police Sergeant

Subject: Standard Purchasing Resolution 2 - Low Bidder Meeting Specifications –  
 Carpet Replacement – Police Department and Budget Amendment

**History**

- The existing carpeting in the Police Department was installed during the construction phase of the new building in August of 2003.
- The carpet is now approximately 12 years old, visibly worn, and has reached “End-of-life” after being subjected to 24-7 use. This purchase is to replace carpeting in the Communications/911 Center, Records Department, Detective Bureau, Special Investigations Area and Front Police Desk.
- The replacement carpeting by Mohawk carries a “Limited Commercial Lifetime Warranty” if installed and maintained as prescribed by the manufacturer and is specially designed for high traffic areas.
- Additionally, we will be utilizing individual “carpet tiles” which makes replacement in specific areas easy in the case of staining or damage that may occur when relocating equipment.

**Purchasing**

- On June 4, 2015 a bid opening was conducted as required by City Charter and Code for the purchase of new Carpeting in the Police Department.
- The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; [www.mitn.info](http://www.mitn.info) and the bid was also sent to the Troy Chamber of Commerce.
- Below is a detailed summary of potential vendors for this bid opportunity:

<b>Companies notified via MITN</b>	62
Troy Companies notified via MITN	1
Troy Companies Active - email Notification	0
Troy Companies Active - Free	1
<b>Companies that viewed the bid</b>	12
Troy Companies that viewed the bid	1

***MITN** provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy.*

**Active MITN** members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City.

**Active MITN non-paying members** are responsible to monitor and check the MITN website for opportunities to do business with the City.

**Inactive MITN member** status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.

- Two (2) bid responses were received:

United Flooring Center	\$35,969.40
Conventional Carpet, Inc.	\$46,318.00



## CITY COUNCIL AGENDA ITEM

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### Purchasing (continued)

- Upon review of the bid responses, *United Flooring Center of Troy, MI* is the low bidder meeting specifications and is being recommended for the carpet replacement for the Police Department as detailed below:

<u>Area</u>	<u>Est. Sq. Yds.</u>	<u>Area Cost</u>
Dispatch Communications	296	\$8,464.34
Records	184	\$5,852.36
Detective Bureau & SIU Office	648	\$21,077.82
Front Desk Area	16	\$574.88
Total		<b>\$35,969.40</b>

- Carpet yardage replacement will include 'attic stock' in case carpet replacement is required.

### Financial

Funds have been budgeted and are available in the 2014/2015 Fiscal Year Police Department Capital Account for this project. The 2015/2016 Capital Account will be amended so that the carpet install can be completed next fiscal year in the month of July.

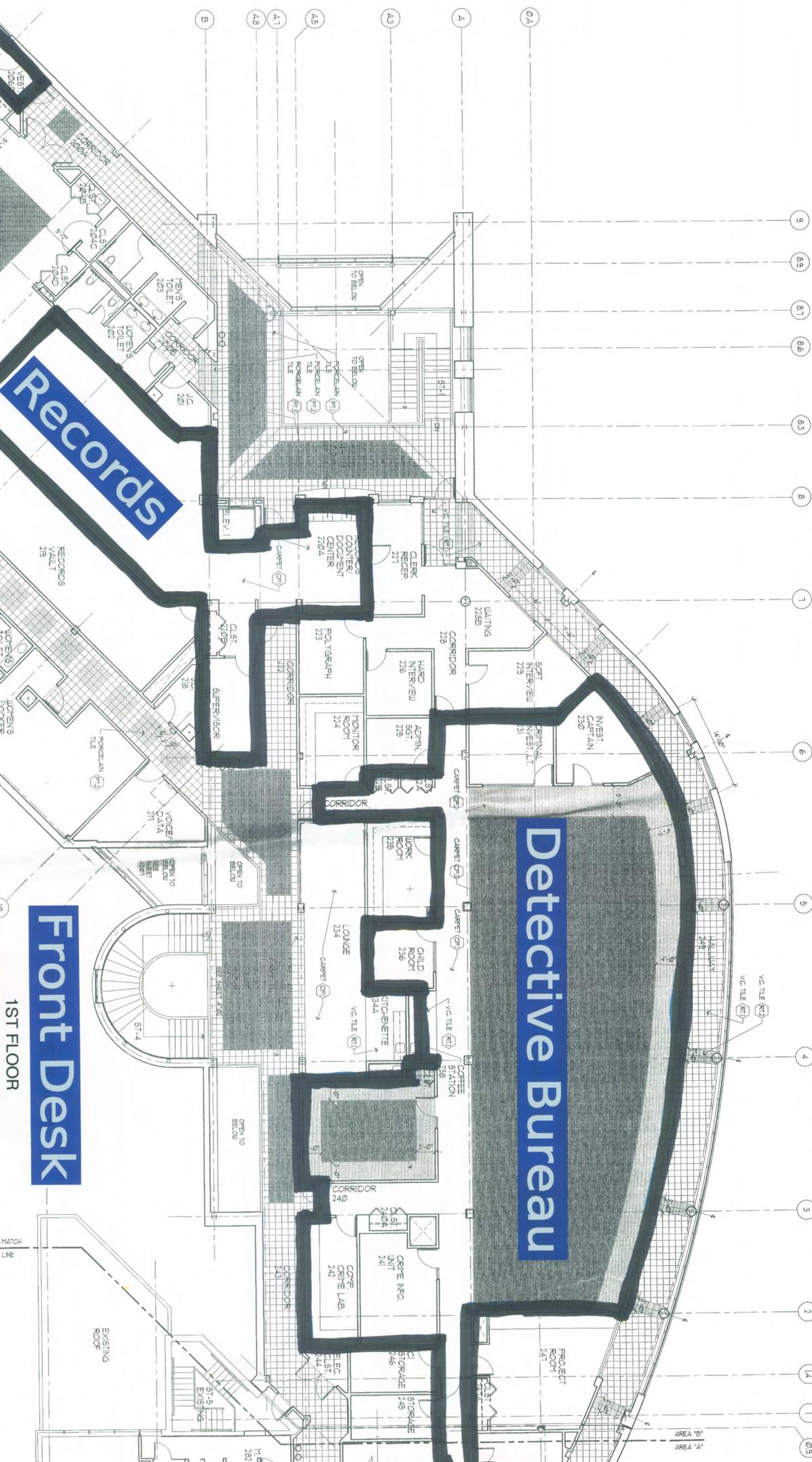
### Recommendation

City management recommends awarding a contract for the purchase of carpet and carpet install at the Police Department; as per bid specifications to the low bidder meeting specifications; *United Flooring Center of Troy, MI* for an estimated total cost of \$35,969.40 at unit prices contained in the bid tabulation opened June 4, 2015. It is also being recommended to amend the 2015/2016 Capital Budget in order to complete the project in the 2015/2016 fiscal year.

NOTICE: THE DRAWING AND THE DESIGN ARE THE PROPERTY OF THE ARCHITECT. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT. ARCHITECTS INC. ARCHITECTS WILL BE RESPONSIBLE TO THE CLIENT FOR THE DESIGN OF THE PLAN.

NO. ISSUED FOR: DATE

NO.	ISSUED FOR:	DATE
1.	BIDDING	05-20-02
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		



**Police**  
1ST FLOOR

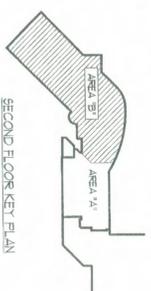


**Records**

**Dispatch/911**

**Detective Bureau**

**SIU**



**SECOND FLOOR - AREA "B" FLOOR PATTERN**



SCALE: 1/8" = 1'-0"

**REDSTONE ARCHITECTS, INC.**  
Architecture · Planning · Interior Design

Corporate Headquarters  
2701 Riverchase Road  
Birmingham, AL 35244-7147  
Phone: 205-988-7000  
Fax: 205-988-0000

Design Office  
1000 W. Beaver Road  
Detroit, MI 48221-2527  
Phone: 313-861-0400  
Fax: 313-861-0400

SEALED SIGNATURE

**Police Department Carpet Replacement**

DATE

PROJECT MANAGER/ARCHITECT: EDUARDO CASILLAS, AIA  
DRAWN BY: BANSAM MARJOME, ASSOC. AIA

**CITY OF TROY**  
**FIRE ADMIN./ POLICE DEPT.**  
**RENOVATION AND ADDITION**

500 W. BIG BEAVER ROAD  
MICHIGAN

TROY

SHEET TITLE  
**SECOND FLOOR AREA "B" FLOOR PATTERN**

DATE: 05/02/2002  
PROJECT NO.: 3318.00  
SHEET NO.: **A116**

02/04/03 3318.00/03



## CITY COUNCIL AGENDA ITEM

Date: June 17, 2015

To: Brian Kischnick, City Manager

From: Aileen Dickson, City Clerk

Subject: City of Troy FOIA Policy Amendments – Effective July 1, 2015

### **History**

On January 11, 2015, Governor Snyder signed into law the revisions to Public Act 442 of 1976, otherwise known as the Michigan Freedom of Information Act. The extensive revisions to the FOIA go into effect on July 1, 2015. As the FOIA Coordinator, I am responsible for administering the FOIA policy and functions for the City of Troy as well as educating City Administration and Staff regarding FOIA requirements. Over the past couple months, City Administration and Staff have attended multiple seminars and webinars regarding the revisions to the FOIA. FOIA requests are handled by the Police Records Department for specifically Police Department requests and the City Clerk's Office for all other requests.

One of the revisions requires that public bodies approve and publish to their websites a FOIA policy. If the policy is not published to the website, the public body is not allowed to charge any fees for FOIA requests until it is published. The City's current FOIA policy is already published on the City Clerk's page. City Administration is requesting that City Council approve the revised policy and public summary so that both can be published prior to July 1, 2015. All forms associated with the FOIA will also be located on the City Clerk's page.

A key revision of FOIA applies to the fee structure that public bodies must follow. As of July 1, 2015, a public body may not charge more than \$0.10 per page for FOIA requests, must itemize the labor charges more specifically and in 15-minute increments, and cannot charge for labor if the request took less than 15 minutes to produce. Additionally, a public body can charge for the labor in actually duplicating the documents, but can only charge for labor in searching, redacting, etc. if the request caused an "unreasonably high" cost to the City. Labor charges are still calculated based on the hourly rate of the lowest-paid employee capable of performing the work (whether or not that employee actually performed the work) plus the fringe benefits multiplier of not more than 50% (the City of Troy's multiplier is 40%.) As for physical costs of producing requests, the FOIA limits what we are allowed to account for in calculating costs to the actual cost of a sheet of paper, absent any software or hardware used in order to print on that sheet of paper. After researching and calculating the actual costs associated with responding to FOIA requests, City Administration proposes the following fee structure which is well within the limits prescribed by law:

***No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:***

- **Letter** (8 ½ x 11-inch, single and double-sided): \$0.02 cents per sheet
- **Legal** (8 ½ x 14-inch, single and double-sided): \$0.02 cents per sheet



## CITY COUNCIL AGENDA ITEM

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No more than the actual cost of a sheet of paper for other paper sizes:

Other paper sizes (single and double-sided):

- 11 x 17-inch, single and double-sided: \$0.10 cents per sheet
- Building plans: \$0.29 per 24x36 sheet

Actual and most reasonably economical cost of non-paper physical digital media:

- CD - Cost per CD: \$0.20

Other revisions effective after July 1, 2015, that should be highlighted:

- FOIA requests may be made verbally (and recorded by the FOIA Coordinator or designee)
- Requestors must be informed that requested documents are located on the City's website at no charge
- A 5% per-day charge reduction will be imposed for each day a response is late from the City, up to 50% reduction
- Damages awarded to a plaintiff in a civil action filed due to a denial of request are increased to \$1000 (increased from \$500), plus reasonable attorneys' fees, costs and disbursements. Damages awarded to a plaintiff in a civil action filed due to excessive fees are \$500, plus reasonable attorneys' fees, costs and disbursements.

### **Financial**

The FOIA restricts public bodies as to the charges allowed for responding to FOIA requests. The law allows for recovery of some costs, and at only the actual cost of the materials needed for the request. These restrictions will cause an increase in the costs that the City is responsible for in relation to FOIA requests.

### **Recommendation**

City Administration recommends approval of the City of Troy FOIA Procedures and Guidelines and City of Troy Public Summary of FOIA Procedures and Guidelines as presented to be published on the City of Troy website on July 1, 2015.

*(As Needed)*

### **City Attorney's Review as to Form and Legality**

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Lori Grigg Bluhm, City Attorney

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Date

## City of Troy

### Public Summary of FOIA Procedures and Guidelines

**It is the public policy of this state that all persons (except those persons incarcerated in state or local correctional facilities) are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees.**

**The people shall be informed so that they may fully participate in the democratic process.**

Consistent with the Michigan Freedom of Information Act (FOIA), Public Act 442 of 1976, the following is the Written Public Summary of the City's FOIA Procedures and Guidelines relevant to the general public.

This is only a summary of the City's FOIA Procedures and Guidelines. For more details and information, copies of the City's FOIA Procedures and Guidelines are available at no charge at the City Clerk's Office, the Troy Police Records Department and on the City's website: [www.troymi.gov/Government/Departments/CityClerk](http://www.troymi.gov/Government/Departments/CityClerk).

#### 1. How do I submit a FOIA request to the City?

- A request must sufficiently describe a public record so as to enable the City to find it.
- Please include the words "FOIA" or "FOIA Request" in the request to assist the City in providing a prompt response.
- Requests to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City may be submitted on the City's FOIA Request Form, in any other form of writing (letter, fax, email, etc.).
  - No specific form to submit a written request is required. However a FOIA Request Form and other FOIA-related forms are available for your use and convenience on the City's website at <http://troymi.gov/Government/Departments/CityClerk>, at the City Clerk's Office and at the Troy Police Records Department.
- Written requests may be delivered to the City Hall in person or by mail: FOIA Coordinator, 500 W Big Beaver Rd, Troy, MI 48084
- Requests may be faxed to: (248) 524-1770. To ensure a prompt response, faxed requests should contain the term "FOIA" or "FOIA Request" on the first/cover page.

- Requests may be emailed to: [clerks@troymi.gov](mailto:clerks@troymi.gov). To ensure a prompt response, email requests should contain the term “FOIA” or “FOIA Request” in the subject line.

## **2. What kind of response can I expect to my request?**

- Within 5 business days after receiving a FOIA request the City will issue a response. If a request is received by fax or email, the request is deemed to have been received on the following business day. The City will respond to your request in one of the following ways:
  - Grant the request,
  - Issue a written notice denying the request,
  - Grant the request in part and issue a written notice denying in part the request,
  - Issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond, or
  - Issue a written notice indicating that the public record requested is available at no charge on the City’s website
- If the request is granted, or granted in part, the City will ask that payment be made for the allowable fees associated with responding to the request before the public record is made available.
- If the cost of processing the request is expected to exceed \$50, or if you have not paid for a previously granted request, the City will require a deposit before processing the request.

## **3. What are the City’s deposit requirements?**

- If the City has made a good faith calculation that the total fee for processing the request will exceed \$50.00, the City will require that you provide a deposit in the amount of 50% of the total estimated fee. When the City requests the deposit, it will provide you a non-binding best efforts estimate of how long it will take to process the request after you have paid your deposit.
- If the City receives a request from a person who has not paid the City for copies of public records made in fulfillment of a previously granted written request, the City will require a deposit of 100% of the estimated processing fee before it begins to search for the public record for any subsequent written request when **all** of the following conditions exist:
  - The final fee for the prior written request is not more than 105% of the estimated fee;
  - The public records made available contained the information sought in the prior written request and remain in the City’s possession;

- The public records were made available to the individual, subject to payment, within the best effort time frame estimated by the City to provide the records;
  - Ninety (90) days have passed since the City notified the individual in writing that the public records were available for pickup or mailing;
  - The individual is unable to show proof of prior payment to the City; and
  - The City has calculated an estimated detailed itemization that is the basis for the current written request's increased fee deposit.
- The City will not require the 100% estimated fee deposit if any of the following apply:
    - The person making the request is able to show proof of prior payment in full to the City;
    - The City is subsequently paid in full for all applicable prior written requests; or
    - Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the City.

#### **4. How does the City calculate FOIA processing fees?**

The Michigan FOIA statute permits the City to charge for the following costs associated with processing a request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet.
- Labor costs associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the City.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the City.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the city's website if you ask for the city to make copies.
- The cost of computer discs, computer tapes or other digital or similar media when the requester asks for records in non-paper physical media. This may include the cost for copies of records already on the city's website if you ask for the city to make copies.

- The cost to mail or send a public record to a requestor.

### **Labor Costs**

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. City may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.
- Contracted labor costs will be charged at the hourly rate of \$48.90 (6 times the state minimum hourly wage)

A labor cost will not be charged for the search, examination, review and the deletion and separation of exempt from nonexempt information unless failure to charge a fee would result in unreasonably high costs to the City. Costs are unreasonably high when they are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in the particular instance. The City must specifically identify the nature of the unreasonably high costs in writing.

### **Copying and Duplication**

The City must use the most economical method for making copies of public records, including using double-sided printing, if cost-saving and available.

### ***Non-paper Copies on Physical Media***

- The cost for records provided on non-paper physical media, such as computer discs, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.

- This cost will be charged only if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.

### ***Paper Copies***

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper.
- Copies for non-standard sized sheets will paper will reflect the actual cost of reproduction.

### **Mailing Costs**

- The cost to mail public records will use a reasonably economical and justified means.
- The City may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless you request it.

### **Waiver of Fees**

The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public. The city board may identify specific records or types of records it deems should be made available for no charge or at a reduced cost.

### **5. How do I qualify for an indigence discount on the fee?**

The City will discount the first \$20.00 of fees for a request if you submit an affidavit stating that you are:

- Indigent and receiving specific public assistance; or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

You are **not** eligible to receive the \$20.00 discount if you:

- Have previously received discounted copies of public records from the City twice during the calendar year; or

- Are requesting information on behalf of other persons who are offering or providing payment to you to make the request.

An affidavit is sworn statement. For your convenience, the City has provided an Affidavit of Indigence for the waiver of FOIA fees on the back of the City FOIA Request Form, which is available on the City's website:  
<http://troy.mi.gov/Government/Departments/CityClerk>.

## **6. May a nonprofit organization receive a discount on the fee?**

A nonprofit organization advocating for developmentally disabled or mentally ill individuals that is formally designated by the state to carry out activities under subtitle C of the federal developmental disabilities assistance and bill of rights act of 2000, Public Law 106-402, and the protection and advocacy for individuals with mental illness act, Public Law 99-319, may receive a \$20.00 discount if the request meets all of the following requirements in the Act:

- Is made directly on behalf of the organization or its clients.
- Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the mental health code, 1974 PA 258, MCL 330.1931.
- Is accompanied by documentation of its designation by the state, if requested by the public body.

## **6. How may I challenge the denial of a public record or an excessive fee?**

### **Appeal of a Denial of a Public Record**

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may appeal to the City Manager by filing a written appeal of the denial with the office of the City Manager.

The appeal must be in writing, specifically state the word "appeal," and identify the reason or reasons you are seeking a reversal of the denial. You may use the City FOIA Appeal Form (To Appeal a Denial of Records), which is available on the City's website:  
<http://troy.mi.gov/Government/Departments/CityClerk>.

Within 10 business days of receiving the appeal the City Manager will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part.

Whether or not you submitted an appeal of a denial to the City Manager, you may file a civil action in Oakland County Circuit Court within 180 days after the City's final

determination to deny your request. If you prevail in the civil action the court will award you reasonable attorneys' fees, costs and disbursements. If the court determines that the City acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.

### **Appeal of an Excess FOIA Processing Fee**

If you believe that the fee charged by the City to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the City Manager by filing a written appeal for a fee reduction to the office of the City Manager.

The appeal must specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. You may use the City FOIA Appeal Form (To Appeal an Excess Fee), which is available at the City Clerk's Office, the Troy Police Records Department and on the City's website:

<http://troymi.gov/Government/Departments/CityClerk>.

Within 10 business days after receiving the appeal, the City Manager will respond in writing by:

- Waiving the fee;
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issue a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the City Manager will respond to the written appeal.

Within 45 days after receiving notice of the City Manager's determination of the processing fee appeal, you may commence a civil action in Oakland County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys' fees, costs and disbursements. If the court determines that the City acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.

## City of Troy

### FOIA Procedures and Guidelines

#### **Preamble: Statement of Principles**

It is the policy of City of Troy that all persons, except those incarcerated, consistent with the Michigan Freedom of Information Act (FOIA), are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. The people shall be informed so that they fully participate in the democratic process.

The City's policy with respect to FOIA requests is to comply with State law in all respects and to respond to FOIA requests in a consistent, fair, and even-handed manner regardless of who makes such a request.

The City acknowledges that it has a legal obligation to disclose all nonexempt public records in its possession pursuant to a FOIA request. The City acknowledges that sometimes it is necessary to invoke the exemptions identified under FOIA in order to ensure the effective operation of government and to protect the privacy of individuals.

The City of Troy will protect the public's interest in disclosure, while balancing the requirement to withhold or redact portions of certain records. The City's policy is to disclose public records consistent with and in compliance with State law.

#### **Section 1: General Policies**

The City Council, acting pursuant to the authority at MCL 15.236, designates the City Clerk as the FOIA Coordinator. He or she is authorized to designate other City staff to act on his or her behalf to accept and process written requests for the City's public records and approve denials.

If a request for a public record is received by fax or email, the request is deemed to have been received on the following business day. If a request is sent by email and delivered to a City spam or junk-mail folder, the request is not deemed received until one day after the FOIA Coordinator first becomes aware of the request. The FOIA Coordinator shall note in the FOIA log both the date the request was delivered to the spam or junk-mail folder and the date the FOIA Coordinator became aware of the request.

The FOIA Coordinator shall review City spam and junk-mail folders on a regular basis, which shall be no less than once a month. The FOIA Coordinator shall work with City Information Technology staff to develop administrative rules for handling spam and junk-mail so as to protect City systems from computer attacks which may be imbedded in an electronic FOIA request.

The FOIA Coordinator may, in his or her discretion, implement administrative rules, consistent with State law and these Procedures and Guidelines to administer the acceptance and processing of FOIA requests.

The City is not obligated to create a new public record or make a compilation or summary of information which does not already exist. Neither the FOIA Coordinator nor other City staff are obligated to provide answers to questions contained in requests for public records or regarding the content of the records themselves.

The FOIA Coordinator shall keep a copy of all written requests for public records received by the City on file for a period of at least one year.

The City will make this Procedures and Guidelines document and the Written Public Summary publicly available without charge.

A copy of this Procedures and Guidelines document and the City's Written Public Summary must be publicly available by providing free copies upon request by visitors at the City Clerk's Office.

This Procedures and Guidelines document and the City's Written Public Summary will be maintained on the City's website at: [www.troymi.gov](http://www.troymi.gov) so a link to those documents will be provided in lieu of providing paper copies of those documents.

Any subpoena from any court, attorney, or any other person which requests the production of any City record shall immediately be forwarded to the City Clerk, and falls outside the scope of this Policy.

## **Section 2: Requesting a Public Record**

A person requesting to inspect or obtain copies of public records prepared, owned, used, possessed or retained by the City of Troy must do so in writing. The request must sufficiently describe a public record so as to enable City personnel to identify and find the requested public record.

No specific form to submit a request for a public record is required. However the FOIA Coordinator may make a FOIA Request Form available for use by the public.

Where practicable and to the best knowledge of the employee receiving a verbal, non-written request for information believed to be available on the City's website, the requestor shall be informed of the pertinent website address.

Written requests for public records may be submitted in person or by mail to any City office. Requests may also be submitted electronically by fax and email. Upon their receipt, requests for public records shall be promptly forwarded to the FOIA Coordinator for processing.

A person may request that public records be provided on non-paper physical media, emailed or otherwise provided to him or her in digital form in lieu of paper copies. The City will comply

with the request only if it possesses the necessary technological capability to provide records in the requested non-paper physical media format.

A person may subscribe to future issues of public records that are created, issued or disseminated by the City of Troy on a regular basis. A subscription is valid for up to 6 months and may be renewed by the subscriber.

The FOIA Coordinator may implement administrative rules permitting verbal requests for public records in designated instances. Verbal requests for public records not available on the City's website are not considered to fall within the scope of the FOIA statute; shall only be responded to where the record in question will be made available or released in its entirety; and when waiver of the requirement of a written request and release of the record, and in the particular instance, serves the best interests of the requesting party, the general public and the City. In the event that the public record sought by a verbal request will not be released in its entirety, the requesting party shall be advised to file a written request.

Any request to review and/or receive copies of any portion of a personnel file maintained or possessed by the City must be made in writing. This policy does not affect the right of current or former City employees to review or receive copies of documents from their own personnel files.

A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record. The FOIA Coordinator will deny all such requests.

### **Section 3: Processing a Request**

Unless otherwise agreed to in writing by the person making the request, the City will issue a response within 5 business days of receipt of a FOIA request. If a request is received by fax, email or other electronic transmission, the request is deemed to have been received on the following business day.

The City will respond to a request in one of the following ways:

- Grant the request.
- Issue a written notice denying the request.
- Grant the request in part and issue a written notice denying in part the request.
- Issue a notice indicating that due to the nature of the request the City needs an additional 10 business days to respond. Only one such extension is permitted.
- Issue a written notice indicating that the public record requested is available at no charge on the City's website.

The FOIA Coordinator, or such other individuals as he or she may designate, shall have exclusive authority to deny any FOIA request, either entirely or in part.

#### ***When a request is granted:***

If the request is granted, or granted in part, the FOIA Coordinator will require that payment be made in full for the allowable fees associated with responding to the request before the public record is made available.

The FOIA Coordinator shall provide a detailed itemization of the allowable costs incurred to process the request to the person making the request.

A copy of these Procedures and Guidelines and the Written Public Summary will be provided to the requestor free of charge with the response to a written request for public records, provided however, that because these Procedures and Guidelines, and the Written Public Summary are maintained on the City's website at: [www.troymi.gov](http://www.troymi.gov), a link to the Procedures and Guidelines and the Written Public Summary will be provided in lieu of providing paper copies of those documents.

If the cost of processing a FOIA request is \$50 or less, the requestor will be notified of the amount due and where the documents can be obtained.

If the cost of processing a FOIA request is expected to exceed \$50 based on a good-faith calculation, or if the requestor has not paid in full for a previously granted request, the City will require a good-faith deposit before processing the request.

In making the request for a good-faith deposit the FOIA Coordinator shall provide the requestor with a detailed itemization of the allowable costs estimated to be incurred by the City to process the request and also provide a best efforts estimate of a time frame it will take the City to provide the records to the requestor. The best efforts estimate shall be nonbinding on the City, but will be made in good faith and will strive to be reasonably accurate, given the nature of the request in the particular instance, so as to provide the requested records in a manner based on the public policy expressed by Section 1 of the FOIA.

***When a request is denied or denied in part:***

If the request is denied or denied in part, the FOIA Coordinator will issue a Notice of Denial which shall provide in the applicable circumstance:

- An explanation as to why a requested public record is exempt from disclosure; or
- A certificate that the requested record does not exist under the name or description provided by the requestor, or another name reasonably known by the City; or
- An explanation or description of the public record or information within a public record that is separated or deleted from the public record; and
- An explanation of the person's right to submit an appeal of the denial to either the office of the City Manager or seek judicial review in the Oakland County Circuit Court;
- An explanation of the right to receive attorneys' fees, costs, and disbursements as well actual or compensatory damages, and punitive damages of \$1,000, should they prevail in Circuit Court.
- The Notice of Denial shall be signed by the FOIA Coordinator or his or her designee.

If a request does not sufficiently describe a public record, the FOIA Coordinator may, in lieu of issuing a Notice of Denial indicating that the request is deficient, seek clarification or amendment of the request by the person making the request. Any clarification or amendment will be considered a new request subject to the timelines described in this Section.

***Requests to inspect public records:***

The City shall provide reasonable facilities and opportunities for persons to examine and inspect public records during normal business hours. The FOIA Coordinator is authorized to promulgate rules regulating the manner in which records may be viewed so as to protect City records from loss, alteration, mutilation or destruction and to prevent excessive interference with normal City operations.

***Requests for certified copies:***

The FOIA Coordinator shall, upon written request, furnish a certified copy of a public record at no additional cost to the person requesting the public record.

**Section 4: Fee Deposits**

If the fee estimate to provide the requested public records is expected to exceed \$50.00 based on a good-faith calculation, the requestor will be asked to provide a deposit not exceeding one-half of the total estimated fee.

If a request for public records is from a person who has not paid the City in full for copies of public records made in fulfillment of a previously granted written request, the FOIA Coordinator will require a deposit of 100% of the estimated processing fee before beginning to search for a public record for any subsequent written request by that person when all of the following conditions exist:

- The final fee for the prior written request is not more than 105% of the estimated fee;
- The public records made available contained the information sought in the prior written request and remain in the City's possession;
- The public records were made available to the individual, subject to payment, within the time frame estimated by the City to provide the records;
- Ninety (90) days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing;
- The individual is unable to show proof of prior payment to the City; and
- The FOIA Coordinator has calculated a detailed itemization that is the basis for the current written request's increased estimated fee deposit.

The FOIA Coordinator will not require an increased estimated fee deposit if any of the following apply:

- The person making the request is able to show proof of prior payment in full to the City;
- The City is subsequently paid in full for the applicable prior written request; or
- Three hundred sixty five (365) days have passed since the person made the request for which full payment was not remitted to the City.

## Section 5: Calculation of Fees

Consistent with the authority granted by state statute, it is the intent of the City to charge a fee for a public record search, for the necessary copying of a public record for inspection, or for providing a copy of a public record so that its general fund and departmental budgets are not unduly burdened by the costs associated with processing FOIA requests.

A fee will **not** be charged for the cost of search, examination, review and the deletion and separation of exempt from nonexempt information **unless** failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance, and the City specifically identifies the nature of the unreasonably high costs.

The following factors shall be used to determine an unreasonably high cost to the City:

- The particular request incurs costs greater than incurred from the typical or usual FOIA request received by the City.
- Volume or size of the public record requested
- Whether the amount of time spent to search for, examine, review or separate exempt from non-exempt information in the record requested exceeds 15 minutes.
- Whether the public records are from more than one City department or whether various City offices are necessary to respond to the request.
- The available staffing to respond to the request.
- Any other similar factors identified by the FOIA Coordinator in responding to the particular request.

The City may charge for the following costs associated with processing a FOIA request:

- Labor costs associated with copying or duplication, which includes making paper copies, making digital copies, or transferring digital public records to non-paper physical media or through the Internet when asked for by the requestor.
- Labor costs directly associated with searching for, locating and examining a requested public record, when failure to charge a fee will result in unreasonably high costs to the City.
- Labor costs associated with a review of a record to separate and delete information exempt from disclosure, when failure to charge a fee will result in unreasonably high costs to the City.
- The cost of copying or duplication, not including labor, of paper copies of public records. This may include the cost for copies of records already on the City's website if the requestor asks for the City to make copies.
- The actual cost of computer discs, computer tapes or other digital or similar media when the requestor asks for records in non-paper physical media. This may include the cost for copies of records already on the city's website if you the requestor asks for the City to make copies.

- The actual cost to mail or send a public record to a requestor, including the least expensive form of postal delivery confirmation; as well as the cost of expedited shipping or insurance when such is asked for by the requestor.

Labor costs will be calculated based on the following requirements:

- All labor costs will be estimated and charged in 15-minute increments, with all partial time increments rounded down. If the time involved is less than 15 minutes, there will be no charge.
- Labor costs will be charged at the hourly wage of the lowest-paid City employee capable of doing the work in the specific fee category, regardless of who actually performs work.
- Labor costs will also include a charge to cover or partially cover the cost of fringe benefits. The City may add up to 50% to the applicable labor charge amount to cover or partially cover the cost of fringe benefits, but in no case may it exceed the actual cost of fringe benefits.
- Overtime wages will not be included in labor costs unless agreed to by the requestor; overtime costs will not be used to calculate the fringe benefit cost.

The cost to provide records on non-paper physical media when so requested will be based on the following requirements:

- Computer disks, computer tapes or other digital or similar media will be at the actual and most reasonably economical cost for the non-paper media.
- This cost will only be assessed if the City has the technological capability necessary to provide the public record in the requested non-paper physical media format.
- In order to ensure the integrity and security of the City's technological infrastructure, the City will procure any requested non-paper media and will not accept media from the requestor.

The cost to provide paper copies of records will be based on the following requirements:

- Paper copies of public records made on standard letter (8 ½ x 11) or legal (8 ½ x 14) sized paper will not exceed \$.10 per sheet of paper. Copies for non-standard sized sheets of paper will reflect the actual cost of reproduction.
- The City will provide records using double-sided printing, if it is cost-saving and available.

The cost to mail records to a requestor will be based on the following requirements:

- The actual cost to mail public records using a reasonably economical and justified means.
- The City may charge for the least expensive form of postal delivery confirmation.
- No cost will be made for expedited shipping or insurance unless specified by the requestor.

If the FOIA Coordinator does not respond to a written request in a timely manner, the City must:

- Reduce the labor costs by 5% for each day the City exceeds the time permitted under FOIA up to a 50% maximum reduction, if **any** of the following applies:
  - The late response was willful and intentional.
  - The written request conveyed a request for information within the first 250 words of the body of a letter facsimile, email or email attachment, or
  - The written request included the words, characters, or abbreviations for “freedom of information,” “information,” “FOIA,” “copy” or a recognizable misspelling of such, or legal code reference to MCL 15. 231, et seq. or 1976 Public Act 442 on the front of an envelope or in the subject line of an email, letter or facsimile cover page.
- Fully note the charge reduction in the Detailed Itemization of Costs Form.

### **Section 6: Waiver of Fees**

Absent a waiver by the FOIA Coordinator in whole or in part, all charges associated with processing a FOIA request shall be paid in full before the release of any public records. The cost of the search for and copying of a public record may be waived or reduced if in the sole judgment of the FOIA Coordinator a waiver or reduced fee is in the public interest because it can be considered as primarily benefitting the general public.

In determining whether the general public is primarily benefitted, the FOIA Coordinator shall consider the following factors, none of which shall be determinative:

- Whether the public record being disclosed serves the public policy purposes as set forth in Section 1 of the FOIA
- Whether the release primarily serves a private or commercial purpose
- Whether the release implicates the rights of third persons
- Whether the waiver of the fee is in the best interest of the City
- The manner in which similar requests have been treated

### **Section 7: Discounted Fees**

#### ***Indigence***

The FOIA Coordinator will waive the first \$20.00 of the processing fee for a request if the person requesting a public record submits an affidavit stating that they are:

- Indigent and receiving specific public assistance, or
- If not receiving public assistance, stating facts demonstrating an inability to pay because of indigence.

An individual is not eligible to receive the waiver if:

- The requestor has previously received discounted copies of public records from the City twice during the calendar year; or
- The requestor requests information in connection with other persons who are offering or providing payment to make the request.

The affidavit shall be a sworn statement made under penalty of perjury. The FOIA Coordinator may make a Fee Waiver Affidavit Form available for use by the public.

***Nonprofit organization advocating for developmentally disabled or mentally ill individuals***

The FOIA Coordinator will waive the first \$20.00 of the processing fee for a request from:

- A nonprofit organization formally designated by the State to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, if the request meets all of the following requirements:
  - Is made directly on behalf of the organization or its clients.
  - Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
  - Is accompanied by documentation of its designation by the State

**Section 8: Appeal of a Denial of a Public Record**

When a requestor believes that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, he or she may appeal by filing an appeal of the denial with the office of the City Manager.

The appeal must be in writing, specifically state the word "appeal" and identify the reason or reasons the requestor is seeking a reversal of the denial. The City FOIA Appeal Form (To Appeal a Denial of Records), may be used.

The City Manager is not considered to have received a written appeal until the first business day following submission of the written appeal if the appeal is not received during a business day.

Within 10 business days of receiving the appeal the City Manager will respond in writing by:

- Reversing the disclosure denial;
- Upholding the disclosure denial; or
- Reverse the disclosure denial in part and uphold the disclosure denial in part; or
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the City Manager shall respond to the written appeal. The

City Manager shall not issue more than 1 notice of extension for a particular written appeal.

Any exemption to the release of requested public records shall be narrowly construed and the burden shall be upon the FOIA Coordinator to demonstrate that the denial of information is justified and should be upheld.

Whether or not a requestor submitted an appeal of a denial to the City Manager, he or she may file a civil action in Oakland County Circuit Court within 180 days after the City's final determination to deny the request.

If a court that determines a public record is not exempt from disclosure, the court shall award the appellant reasonable attorneys' fees, costs, and disbursements. If the court determines that the appellant prevails only in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements.

If the court determines that the City has arbitrarily and capriciously violated FOIA by refusing or delaying disclosure of copies of a public record, the court shall award appellant punitive damages of \$1,000.00.

### **Section 9: Appeal of an Excessive FOIA Processing Fee**

If a requestor believes that the fee or good faith deposit charged by the City to process a FOIA request exceeds the amount permitted by state law, he or she must first submit a written appeal for a fee reduction to the City Manager.

The appeal must be in writing, specifically state the word "appeal" and identify how the required fee exceeds the amount permitted. A City FOIA Appeal Form (To Appeal an Excess Fee) may be used.

The City Manager is not considered to have received a written appeal until the first business day following submission of the written appeal if the appeal is not received during a business day.

Within 10 business days after receiving the appeal, the City Manager will respond in writing by:

- Waiving the fee;
- Reducing the fee and issuing a written determination indicating the specific basis that supports the remaining fee;
- Upholding the fee and issuing a written determination indicating the specific basis that supports the required fee; or
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the City Manager will respond to the written appeal. The City Manager shall not issue more than 1 notice of extension for a particular written appeal.

Where the City Manager reduces or upholds the fee, the determination must include a certification from the City Manager that the statements in the determination are accurate and that any reduced fee amount complies with the City's publicly available procedures and guidelines and Section 4 of the FOIA.

Within 45 days after receiving notice of the City Manager's determination of an appeal, the requesting person may commence a civil action in Oakland County Circuit Court for a fee reduction. If a civil action is commenced against the City for an excess fee, the City is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute.

An action shall not be filed in circuit court unless **one** of the following applies:

- The City does not provide for appeals of fees,
- The City Manager failed to respond to a written appeal as required, or
- The City Manager issued a determination to a written appeal.

If a court determines that the City required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or Section 4 of the FOIA, the court shall reduce the fee to a permissible amount.

If the requesting person prevails in court by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages.

If the court determines that the City has arbitrarily and capriciously violated the FOIA by charging an excessive fee, the court shall also award the appellant punitive damages in the amount of \$500.00.

### **Section 10: Conflict with Prior FOIA Policies and Procedures; Effective Date**

To the extent that these Procedures and Guidelines conflict with previous FOIA policies promulgated by City Council or the City Administration these Procedures and Guidelines are controlling. To the extent that any administrative rule promulgated by the FOIA Coordinator subsequent to the adoption of this resolution is found to be in conflict with any previous policy promulgated by the City Council or the City Administration, the administrative rule promulgated by the FOIA Coordinator is controlling.

To the extent that any provision of these Procedures and Guidelines or any administrative rule promulgated by the FOIA Coordinator pertaining to the release of public records is found to be in conflict with any State statute, the applicable statute shall control. The FOIA Coordinator is authorized to modify this policy and all previous policies adopted by the City Council or the City Administration, and to adopt such administrative rules as he or she may deem necessary, to facilitate the legal review and processing of requests for public records made pursuant to Michigan's FOIA statute, provided that such modifications and rules are consistent with State

law. The FOIA Coordinator shall inform the City Council of any change these Policies and Guidelines.

These FOIA Policies and Guidelines become effective July 1, 2015.

### **Section 11: Appendix of City of Troy FOIA Forms**

- Request for Public Records Form
- Notice to Extend Response Time Form
- Notice of Denial Form
- Detailed Cost Itemization Form
- Appeal of Denial of Records Form
- Appeal of Excess Fee Form

City: Keep original and provide copies of both sides of each sheet to requestor at no charge.

City of Troy  
500 W Big Beaver Rd  
Troy, MI 48084  
Phone: (248) 524-3317

Detailed Cost Itemization

Public Summary available at: <http://troymi.gov/Government/Departments/CityClerk>

## Freedom of Information Act Request Detailed Cost Itemization

Date: \_\_\_\_\_ Prepared for Request No.: \_\_\_\_\_ Date Request Received: \_\_\_\_\_

<p><b>The following costs are being charged in compliance with Section 4 of the Michigan Freedom of Information Act, MCL 15.234, according to the City's FOIA Policies and Guidelines.</b></p>			
<p><b>1. Labor Cost for Copying / Duplication</b></p> <p>This is the cost of labor directly associated with duplication of publication, including making paper copies, making digital copies, or transferring digital public records to be given to the requestor on non-paper physical media or through the Internet or other electronic means as stipulated by the requestor.</p> <p>This shall not be more than the hourly wage of the City's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor.</p> <p>These costs will be estimated and charged in <b>15-minute time increments as set by Troy City Council</b>; all partial time increments must be rounded down. <i>If the number of minutes is less than one increment, there is no charge.</i></p> <p>Hourly Wage Charged: \$ _____ Charge per increment: \$ _____  <u>OR</u>            Hourly Wage with Fringe Benefit Cost: \$ _____ <u>OR</u>            Multiply the hourly wage by the percentage multiplier: <b>40%</b> (up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.            Charge per increment: \$ _____</p> <p><input type="checkbox"/> Overtime rate charged as stipulated by Requestor (<i>overtime is not used to calculate the fringe benefit cost</i>)</p>		<p>To figure the number of increments, take the <i>number of minutes</i>: _____, divide by <i>15-minute increments</i>, and round down. Enter below:</p> <p><b>Number of increments</b> x _____ =</p>	<p><b>1. Labor Cost</b> \$ _____</p>

**2. Labor Cost to Locate:**

This is the cost of labor directly associated with the necessary searching for, locating, and examining public records in conjunction with receiving and fulfilling a granted written request. **This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:** \_\_\_\_\_

The City will not charge more than the hourly wage of its lowest-paid employee capable of searching for, locating, and examining the public records in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in **15-minute time increments**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ \_\_\_\_\_  
**OR**

Charge per increment: \$ \_\_\_\_\_

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_  
Multiply the hourly wage by the percentage multiplier: **40%**  
(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

**OR**

Charge per increment: \$ \_\_\_\_\_

Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the *number of minutes*: \_\_\_\_\_, divide by *15-minute increments*, and round down. Enter below:

Number of increments

2. Labor Cost

x \_\_\_\_\_ = \$ \_\_\_\_\_

**3a. Employee Labor Cost for Separating Exempt from Non-Exempt (Redacting):**

*(Fill this out if using a City employee. If contracted, use No. 3b instead).*

The City will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

**This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:** \_\_\_\_\_

This is the cost of labor of a **City employee**, including necessary review, directly associated with separating and deleting exempt from nonexempt information. This shall not be more than the hourly wage of the **City's lowest-paid employee** capable of separating and deleting exempt from nonexempt information in this particular instance, regardless of whether that person is available or who actually performs the labor.

These costs will be estimated and charged in **15-minute time increments**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ \_\_\_\_\_  
**OR**

Charge per increment: \$ \_\_\_\_\_

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_  
Multiply the hourly wage by the percentage multiplier: **40%**  
(up to 50% of the hourly wage) and add to the hourly wage for a total per hour rate.

**OR**

Charge per increment: \$ \_\_\_\_\_

Overtime rate charged as stipulated by Requestor (*overtime is not used to calculate the fringe benefit cost*)

To figure the number of increments, take the *number of minutes*: \_\_\_\_\_, divide by *15-minute increments*, and round down. Enter below:

Number of increments

3a. Labor Cost

x \_\_\_\_\_ = \$ \_\_\_\_\_

**3b. Contracted Labor Cost for Separating Exempt from Non-Exempt (Redacting):**

*(Fill this out if using a contractor, such as the attorney. If using in-house employee, use No. 3a instead.)*

The City will not charge for labor directly associated with redaction if it knows or has reason to know that it previously redacted the record in question and still has the redacted version in its possession.

**This fee is being charged because failure to do so will result in unreasonably high costs to the City that are excessive and beyond the normal or usual amount for those services compared to the City's usual FOIA requests, because of the nature of the request in this particular instance, specifically:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

As this City does not employ a person capable of separating exempt from non-exempt information in this particular instance, as determined by the FOIA Coordinator, this is the cost of labor of a **contractor** (i.e.: outside attorney), including necessary review, directly associated with separating and deleting exempt information from nonexempt information. This shall not exceed an amount equal to 6 times the state minimum hourly wage rate of \$8.15.

**Name of contracted person or firm:** \_\_\_\_\_

These costs will be estimated and charged in **15-minute time increments**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

**Hourly Cost Charged:** \$ \_\_\_\_\_ **Charge per increment:** \$ \_\_\_\_\_

To figure the number of increments, take the *number of minutes*: \_\_\_\_\_, *divide by 15-minute increments, and round down to:* \_\_\_\_\_ *increments.*  
 Enter below:

<b>Number of increments</b>	<b>3b. Labor Cost</b>
x _____ =	\$ _____

**4. Copying / Duplication Cost:**

Copying costs may be charged if a copy of a public record is requested, or for the necessary copying of a record for inspection (*for example, to allow for blacking out exempt information, to protect old or delicate original records, or because the original record is a digital file or database not available for public inspection*).

**No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:**

- **Letter** (8 ½ x 11-inch, single and double-sided): \$0.02 cents per sheet
- **Legal** (8 ½ x 14-inch, single and double-sided): \$0.02 cents per sheet

**No more than the actual cost of a sheet of paper for other paper sizes:**

- **Other paper sizes** (single and double-sided):
  - **11 x 17-inch, single and double-sided:** \$0.10 cents per sheet
  - **Building plans:** \$0.29 per 24x36 sheet

**Actual and most reasonably economical cost of non-paper physical digital media:**

- **Disc - Cost per disc:** \$0.20

The cost of paper copies **must** be calculated as a total cost per sheet of paper. The fee **cannot exceed 10 cents per sheet** of paper for copies of public records made on 8-1/2- by 11-inch paper or 8-1/2- by 14-inch paper. **The City must** utilize the most economical means available for making copies of public records, including using double-sided printing, if cost saving and available.

<b>Number of Sheets:</b>	<b>Costs:</b>
x _____ =	\$ _____
x _____ =	\$ _____
x _____ =	\$ _____
<b>No. of Items:</b>	
x _____ =	\$ _____
	<b>4. Total Copy Cost</b>
	\$ _____

**5. Mailing Cost:**

The City will charge the actual cost of mailing, if any, for sending records in a reasonably economical and justifiable manner. Delivery confirmation is not required.

- The City **may** charge for the least expensive form of postal delivery confirmation.
- The City **cannot** charge more for expedited shipping or insurance unless specifically requested by the requestor.\*

**Actual Cost of Envelope or Packaging:** \$0.10 per envelope

**Actual Cost of Postage:** \$ \_\_\_\_\_ per stamp  
 \$ \_\_\_\_\_ per pound  
 \$ \_\_\_\_\_ per package

**Actual Cost (least expensive) Postal Delivery Confirmation:** \$ \_\_\_\_\_

**\*Expedited Shipping or Insurance as Requested:** \$ \_\_\_\_\_

\* Requestor has requested expedited shipping or insurance

**Number of Envelopes or Packages:**

**Costs:**

x \_\_\_\_\_ = \$ \_\_\_\_\_  
 x \_\_\_\_\_ = \$ \_\_\_\_\_

**5. Total Mailing Cost**  
 \$ \_\_\_\_\_

**6a. Copying/Duplicating Cost for Records Already on City's Website:**

If the City has included the website address for a record in its written response to the requestor, and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or non-paper physical digital media, the City will provide the public records in the specified format and may charge copying costs to provide those copies.

**No more than the actual cost of a sheet of paper, up to maximum 10 cents per sheet for:**

- **Letter** (8 1/2 x 11-inch, single and double-sided): \$0.02 cents per sheet
- **Legal** (8 1/2 x 14-inch, single and double-sided): \$0.02 cents per sheet

**No more than the actual cost of a sheet of paper for other paper sizes:**

- **Other paper sizes** (single and double-sided):
  - **11 x 17-inch, single and double-sided:** \$0.10 cents per sheet
  - **Building plans:** \$0.29 per 24x36 sheet

**Actual and most reasonably economical cost of non-paper physical digital media:**

- **Disc - Cost per disc:** \$0.20

Requestor has stipulated that some / all of the requested records that are already available on the City's website be provided in a paper or non-paper physical digital medium.

**Number of Sheets:**

**Costs:**

x \_\_\_\_\_ = \$ \_\_\_\_\_  
 x \_\_\_\_\_ = \$ \_\_\_\_\_  
 x \_\_\_\_\_ = \$ \_\_\_\_\_  
 No. of Items:  
 x \_\_\_\_\_ = \$ \_\_\_\_\_

**6a. Web Copy Cost**  
 \$ \_\_\_\_\_

**6b. Labor Cost for Copying/Duplicating Records Already on City's Website:**

This shall not be more than the hourly wage of the City's lowest-paid employee capable of necessary duplication or publication in this particular instance, regardless of whether that person is available or who actually performs the labor. These costs will be estimated and charged in **15-minute time increments**; all partial time increments must be rounded down. *If the number of minutes is less than 15, there is no charge.*

Hourly Wage Charged: \$ \_\_\_\_\_

Charge per increment: \$ \_\_\_\_\_

OR

Hourly Wage with Fringe Benefit Cost: \$ \_\_\_\_\_

OR

Multiply the hourly wage by the percentage multiplier: **40%** and add to the hourly wage for a total per hour rate.

Charge per increment: \$ \_\_\_\_\_

The City may use a fringe benefit multiplier greater than the 50% limitation, not to exceed the actual costs of providing the information in the specified format.

Overtime rate charged as stipulated by Requestor

To figure the number of increments, take the number of minutes: \_\_\_\_\_, divide by 15-minute increments, and round down. Enter below:

Number of increments

6b. Web Labor Cost

x \_\_\_\_\_ = \$ \_\_\_\_\_

**6c. Mailing Cost for Records Already on City's Website:**

Actual Cost of Envelope or Packaging: \$0.10

Actual Cost of Postage: \$ \_\_\_\_\_ per stamp / per pound / per package

Actual Cost (least expensive) Postal Delivery Confirmation: \$ \_\_\_\_\_

\*Expedited Shipping or Insurance as Requested: \$ \_\_\_\_\_

\* Requestor has requested expedited shipping or insurance

Number:

Costs:

x \_\_\_\_\_ = \$ \_\_\_\_\_

6c. Web Mailing Cost

\$ \_\_\_\_\_

**Subtotal Fees Before Waivers, Discounts or Deposits:**

- Cost estimate
- Bill

**Estimated Time Frame to Provide Records:**

\_\_\_\_\_ (days or date)

The time frame estimate is nonbinding upon the City, but the City is providing the estimate in good faith. Providing an estimated time frame does not relieve the City from any of the other requirements of this act.

1. Labor Cost for Copying: \$ \_\_\_\_\_

2. Labor Cost to Locate: \$ \_\_\_\_\_

3a. Labor Cost to Redact: \$ \_\_\_\_\_

3b. Contract Labor Cost to Redact: \$ \_\_\_\_\_

4. Copying/Duplication Cost: \$ \_\_\_\_\_

5. Mailing Cost: \$ \_\_\_\_\_

6a. Copying/Duplication of Records on Website: \$ \_\_\_\_\_

6b. Labor Cost for Copying Records on Website: \$ \_\_\_\_\_

6c. Mailing Costs for Records on Website: \$ \_\_\_\_\_

Subtotal Fees: \$ \_\_\_\_\_

**Waiver: Public Interest**

A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the City determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public.

All fees are waived OR  All fees are reduced by: \_\_\_\_\_ %

Subtotal Fees After Waiver:

\$ \_\_\_\_\_

<p><b>Discount: Indigence</b>  A public record search <b>must</b> be made and a copy of a public record <b>must</b> be furnished <b>without charge for the first \$20.00 of the fee</b> for each request by an individual who is entitled to information under this act and who:</p> <p>1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, <b>OR</b></p> <p>2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.</p> <p>If a requestor is ineligible for the discount, the City shall inform the requestor specifically of the reason for ineligibility in the City's written response. An individual is ineligible for this fee reduction if <b>ANY</b> of the following apply:</p> <p>(i) The individual has previously received discounted copies of public records from the City of Troy twice during that calendar year, <b>OR</b></p> <p>(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. The City may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.</p> <p style="text-align: right;"><input type="checkbox"/> <b>Eligible for Indigence Discount</b></p>	<p style="text-align: right;"><b>Subtotal Fees After Discount (subtract \$20):</b></p>	<p style="text-align: right;">\$ _____</p>
<p><b>Discount: Nonprofit Organization</b>  A public record search <b>must</b> be made and a copy of a public record <b>must</b> be furnished <b>without charge for the first \$20.00 of the fee</b> for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the federal Protection and Advocacy for Individuals with Mental Illness Act, if the request meets <b>ALL</b> of the following requirements:</p> <p>(i) Is made directly on behalf of the organization or its clients.</p> <p>(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Michigan Mental Health Code, 1974 PA 258, MCL 330.1931.</p> <p>(iii) Is accompanied by documentation of its designation by the state, if requested by the City.</p> <p style="text-align: right;"><input type="checkbox"/> <b>Eligible for Nonprofit Discount</b></p>	<p style="text-align: right;"><b>Subtotal Fees After Discount (subtract \$20):</b></p>	<p style="text-align: right;">\$ _____</p>
<p><b>Deposit: Good Faith</b>  The City may require a good-faith deposit <u>before providing the public records to the requestor</u> <b>if the entire fee estimate or charge authorized under this section exceeds \$50.00</b>, based on a good-faith calculation of the total fee. The deposit cannot exceed 1/2 of the total estimated fee. <b>Percent of Deposit:</b> _____ %</p>	<p style="text-align: right;"><b>Date Paid:</b> _____</p>	<p style="text-align: right;"><b>Deposit Amount Required:</b> \$ _____</p>

**Deposit: Increased Deposit Due to Previous FOIA Fees Not Paid In Full**

After the City has granted and fulfilled a written request from an individual under this act, if the City has not been paid in full the total amount of fees for the copies of public records that the City made available to the individual as a result of that written request, **the City may require an increased estimated fee deposit of up to 100% of the estimated fee before it begins a full public record search for any subsequent written request from that individual if ALL of the following apply:**

- (a) The final fee for the prior written request was not more than 105% of the estimated fee.
- (b) The public records made available contained the information being sought in the prior written request and are still in the City's possession.
- (c) The public records were made available to the individual, subject to payment, within the best effort estimated time frame given for the previous request.
- (d) Ninety (90) days have passed since the City notified the individual in writing that the public records were available for pickup or mailing.
- (e) The individual is unable to show proof of prior payment to the City.
- (f) The City calculates a detailed itemization, as required under MCL 15.234, that is the basis for the current written request's increased estimated fee deposit.

The City **can no longer require an increased estimated fee deposit** from an individual if **ANY** of the following apply:

- (a) The individual is able to show proof of prior payment in full to the City, **OR**
- (b) The City is subsequently paid in full for the applicable prior written request, **OR**
- (c) Three hundred sixty-five (365) days have passed since the individual made the written request for which full payment was not remitted to the City.

Percent Deposit Required: \_\_\_\_\_%

Date Paid: \_\_\_\_\_

Deposit Required: \$ \_\_\_\_\_

**Late Response Labor Costs Reduction**

If the City does not respond to a written request in a timely manner as required under MCL 15.235(2), the City **must** do the following:

(a) **Reduce the charges for labor costs** otherwise permitted by 5% for each day the City exceeds the time permitted for a response to the request, **with a maximum 50% reduction**, if **EITHER** of the following applies:

- (i) The late response was willful and intentional, **OR**
- (ii) The written request included language that conveyed a request for information within the first 250 words of the body of a letter, facsimile, electronic mail, or electronic mail attachment, or specifically included the words, characters, or abbreviations for "freedom of information," "information," "FOIA," "copy", or a recognizable misspelling of such, or appropriate legal code reference for this act, on the front of an envelope, or in the subject line of an electronic mail, letter, or facsimile cover page.

Number of Days Over Required Response Time: \_\_\_\_\_

Total Labor Costs \$ \_\_\_\_\_

Minus Reduction \$ \_\_\_\_\_

Multiply by 5%

= Total Percent Reduction: \_\_\_\_\_

= Reduced Total Labor Costs \$ \_\_\_\_\_

The Public Summary of the City's FOIA Procedures and Guidelines is available free of charge from:  
Website: <http://troymi.gov/Government/Departments/CityClerk>  
Email: [clerk@troymi.gov](mailto:clerk@troymi.gov)  
Phone: 248-524-3317 Address: FOIA Coordinator, City of Troy, 500 W. Big Beaver Rd., Troy, MI 48084

Date Paid: \_\_\_\_\_

Total Balance Due: \$ \_\_\_\_\_

**Request Will Be Processed, But Balance Must Be Paid Before Copies May Be Picked Up, Delivered or Mailed**



**Records Located on Website**

If the City directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (*separate exempt information from non-exempt information*).

If the FOIA Coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the City must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the City must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If the City has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the City must provide the public records in the specified format (if the City has the technological capability) but may use the City's fringe benefit multiplier of 40%, not to exceed the actual costs of providing the information in the specified format.

**Request for Copies/Duplication of Records on City Website**

I hereby stipulate that, even if some or all of the records are located on a City website, I am requesting that the City make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

Requestor's Signature

Date

**Overtime Labor Costs**

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

**Consent to Overtime Labor Costs**

I hereby agree and stipulate to the City using overtime wages in calculating the following labor costs as itemized in the following categories:

- 1.  Labor to copy/duplicate
- 2.  Labor to locate
- 3a.  Labor to redact
- 3b.  Contract labor to redact
- 6b.  Labor to copy/duplicate records already on City's website

Requestor's Signature

Date

**Request for Discount: Indigence**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by an individual who is entitled to information under this act and who:

- 1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, **OR**
- 2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the City shall inform the requestor specifically of the reason for ineligibility in the City's written response.

An individual is ineligible for this fee reduction if **ANY** of the following apply:

- (i) The individual has previously received discounted copies of public records from the City of Troy twice during that calendar year,
- (ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. The City may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

**Office Use:**  Affidavit Received  Eligible for Discount  Ineligible for Discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:

Date:

Requestor's Signature:

**Request for Discount: Nonprofit Organization**

A public record search **must** be made and a copy of a public record **must** be furnished **without charge for the first \$20.00 of the fee** for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets **ALL** of the following requirements:

- (i) Is made directly on behalf of the organization or its clients.
- (ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.
- (iii) Is accompanied by documentation of its designation by the state, if requested by the City.

**Office Use:**  Documentation of State Designation Received  Eligible for Discount  Ineligible for Discount

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931:

Date:

Requestor's Signature:

City: Keep original and provide copy to requestor at no charge.

City of Troy  
500 W Big Beaver Rd  
Troy, MI 48084  
Phone: (248) 524-3317

Extension Form

Public Summary available at: <http://troymi.gov/Government/Departments/CityClerk>

**Notice to Extend Response Time for FOIA Request**  
**Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.**

**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Check if received via:**  Email  Fax  
**Date of This Notice:** \_\_\_\_\_ **Date delivered to junk/spam folder:** \_\_\_\_\_

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

(Please Print or Type) **Date discovered in junk/spam folder:** \_\_\_\_\_

**Request for:**  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis  
**Delivery Method:**  Will pick up  Mail to address above  Email to address above  
 Deliver on cd provided by the City

**Record(s) You Requested:** (Listed here or see attached copy of original request) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We are extending the date to respond to your FOIA request for no more than 10 business days, until \_\_\_\_\_ (month, day, year). Only one extension may be taken per FOIA request. If you have any questions regarding this extension, contact the City Clerk's Office at 248-524-3317 or [clerk@troymi.gov](mailto:clerk@troymi.gov).

**Estimated Time Frame to Provide Records:** \_\_\_\_\_ (days or date)  
The time frame estimate is nonbinding upon the City, but the City is providing the estimate in good faith. Providing an estimated time frame does not relieve the City from any of the other requirements of this act.

**Reason for Extension:**

**1.** The City needs to search for, collect, or appropriately examine or review a voluminous amount of separate and distinct public records pursuant to your request. Specifically, the City must:  
\_\_\_\_\_  
\_\_\_\_\_

**2.** The City needs to collect the requested public records from numerous field offices, facilities, or other establishments that are located apart from Troy City Hall. Specifically, the City must coordinate documents from the following locations:  
\_\_\_\_\_  
\_\_\_\_\_

**3.** Other (describe): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<b>Signature of FOIA Coordinator:</b>	<b>Date:</b>
---------------------------------------	--------------

**[This page left blank on purpose.]**

City: Keep original and provide copy of both sides to requestor at no charge.

City of Troy  
500 W Big Beaver Rd  
Troy, MI 48084  
Phone: (248) 524-3317

Denial Form

Public Summary available at: <http://troymi.gov/Government/Departments/CityClerk>

**Notice of Denial of FOIA Request**  
**Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.**

**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Check if received via:**  Email  Fax  
**Date of This Notice:** \_\_\_\_\_ **Date delivered to junk/spam folder:** \_\_\_\_\_

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

(Please Print or Type) **Request for:**  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis  
Date discovered in junk/spam folder: \_\_\_\_\_

**Delivery Method:**  Will pick up  Mail to address above  Email to address above  
 Deliver on cd provided by the City

**Record(s) You Requested:** (Listed here or see attached copy of original request) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**All** **OR**  **Part** of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact \_\_\_\_\_ at \_\_\_\_\_

**Reason for Denial:**

**1. Exempt from Disclosure:** This item is exempt from disclosure under FOIA Section 13, Subsection \_\_\_\_\_ (insert number), because: \_\_\_\_\_  
\_\_\_\_\_

**2. Record Does Not Exist:** This item does not exist under the name provided in your request or by another name reasonably known to the City. A certificate that the public record does not exist under the name given is attached. If you believe this record does exist, provide a description that will enable us to locate the record: \_\_\_\_\_  
\_\_\_\_\_

**3. Redaction:** A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection \_\_\_\_\_ (insert number), because: \_\_\_\_\_  
\_\_\_\_\_

A brief description of the information that had to be separated or deleted: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Notice of Requestor's Right to Seek Judicial Review**

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the City Manager or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the City has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

**Signature of FOIA Coordinator:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

**15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.**

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

City: Keep original and provide copy of both sides to requestor at no charge.

City of Troy  
500 W Big Beaver Rd  
Troy, MI 48084  
Phone: (248) 524-3317

Denial Appeal Form

Public Summary available at: <http://troymi.gov/Government/Departments/CityClerk>

**FOIA Appeal Form—To Appeal a Denial of Records**  
**Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.**

**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Check if received via:**  Email  Fax  
**Date of This Notice:** \_\_\_\_\_ **Date delivered to junk/spam folder:** \_\_\_\_\_

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

*(Please Print or Type)* **Date discovered in junk/spam folder:** \_\_\_\_\_

**Request for:**  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis  
**Delivery Method:**  Will pick up  Mail to address above  Email to address above  
 Deliver on cd provided by the City

**Record(s) You Requested:** *(Listed here or see attached copy of original request)* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Reason(s) for Appeal:**

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Requestor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**City Response:**

The City must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

**City Extension:** We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until \_\_\_\_\_  
*(month, day, year)*. Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: \_\_\_\_\_  
\_\_\_\_\_

If you have any questions regarding this extension, contact: \_\_\_\_\_

**City Determination:**

Denial Reversed  Denial Upheld  Denial Reversed in Part and Upheld in Part

The following previously denied records will be released: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Notice of Requestor's Right to Seek Judicial Review**

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the City Manager or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the City has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. *(See back of this form for additional information on your rights.)*

**Signature of FOIA Coordinator:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## FREEDOM OF INFORMATION ACT (EXCERPT)

Act 442 of 1976

**15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.**

Sec. 10.

(1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:

(a) Submit to the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Reverse the disclosure denial.

(b) Issue a written notice to the requesting person upholding the disclosure denial.

(c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.

(d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing a civil action under subsection (1)(b).

(4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If a person asserting the right to inspect, copy, or receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

City: Keep original and provide copy of both sides to requestor at no charge.

City of Troy  
500 W Big Beaver Rd  
Troy, MI 48084  
Phone: (248) 524-3317

Fee Appeal Form

Public Summary available at: <http://troymi.gov/Government/Departments/CityClerk>

**FOIA Appeal Form—To Appeal an Excess Fee**  
**Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.**

**Request No.:** \_\_\_\_\_ **Date Received:** \_\_\_\_\_ **Check if received via:**  Email  Fax  
**Date of This Notice:** \_\_\_\_\_ **Date delivered to junk/spam folder:** \_\_\_\_\_  
*(Please Print or Type)* **Date discovered in junk/spam folder:** \_\_\_\_\_

Name	Phone
Firm/Organization	Fax
Street	Email
City	State Zip

**Request for:**  Copy  Certified copy  Record inspection  Subscription to record issued on regular basis  
**Delivery Method:**  Will pick up  Mail to address above  Email to address above  
 Deliver on cd provided by the City

**Record(s) You Requested:** *(Listed here or see attached copy of original request)* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Reason(s) for Appeal:**

The appeal must specifically identify how the required fee(s) exceed the amount permitted. You may use this form or attach additional sheets:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Requestor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**City Response:**

The City must provide a response within 10 business days after receiving this appeal, including a determination or taking one 10-day extension.

**City Extension:** We are extending the date to respond to your FOIA fee appeal for no more than 10 business days, until \_\_\_\_\_ (month, day, year). Only one extension may be taken per FOIA appeal.

Unusual circumstances warranting extension: \_\_\_\_\_  
\_\_\_\_\_

If you have any questions regarding this extension, contact: \_\_\_\_\_

**City Determination:**  Fee Waived  Fee Reduced  Fee Upheld

Written basis for City determination: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Notice of Requestor's Right to Seek Judicial Review**

You are entitled under Section 10a of the Michigan Freedom of Information Act, MCL 15.240a, to appeal a FOIA fee that you believe exceeds the amount permitted under the City's written Procedures and Guidelines to the City Manager or to commence an action in the Circuit Court for a fee reduction within 45 days after receiving the notice of the required fee or a determination of an appeal to the City Manager. If a civil action is commenced in court, the City is not obligated to compete processing the request until the court resolves the fee dispute. If the court determines that the City required a fee that exceeded the permitted amount, the court shall reduce the fee to a permissible amount. (See back of this form for additional information on your rights.)

**Signature of FOIA Coordinator:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**FREEDOM OF INFORMATION ACT (EXCERPT)**  
**Act 442 of 1976**

15.240a.added Fee in excess of amount permitted under procedures and guidelines or MCL 15.234.  
Sec. 10a.

(1) If a public body requires a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4, the requesting person may do any of the following:

(a) If the public body provides for fee appeals to the head of the public body in its publicly available procedures and guidelines, submit to the head of the public body a written appeal for a fee reduction that specifically states the word "appeal" and identifies how the required fee exceeds the amount permitted under the public body's available procedures and guidelines or section 4.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, in the court of claims, for a fee reduction. The action must be filed within 45 days after receiving the notice of the required fee or a determination of an appeal to the head of a public body. If a civil action is commenced against the public body under this subdivision, the public body is not obligated to complete the processing of the written request for the public record at issue until the court resolves the fee dispute. An action shall not be filed under this subdivision unless 1 of the following applies:

- (i) The public body does not provide for appeals under subdivision (a).
- (ii) The head of the public body failed to respond to a written appeal as required under subsection (2).
- (iii) The head of the public body issued a determination to a written appeal as required under subsection (2).

(2) Within 10 business days after receiving a written appeal under subsection (1)(a), the head of a public body shall do 1 of the following:

(a) Waive the fee.

(b) Reduce the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the remaining fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the reduced fee amount complies with its publicly available procedures and guidelines and section 4.

(c) Uphold the fee and issue a written determination to the requesting person indicating the specific basis under section 4 that supports the required fee. The determination shall include a certification from the head of the public body that the statements in the determination are accurate and that the fee amount complies with the public body's publicly available procedures and guidelines and section 4.

(d) Issue a notice extending for not more than 10 business days the period during which the head of the public body must respond to the written appeal. The notice of extension shall include a detailed reason or reasons why the extension is necessary. The head of a public body shall not issue more than 1 notice of extension for a particular written appeal.

(3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a).

(4) In an action commenced under subsection (1)(b), a court that determines the public body required a fee that exceeds the amount permitted under its publicly available procedures and guidelines or section 4 shall reduce the fee to a permissible amount. Venue for an action against a local public body is proper in the circuit court for the county in which the public record or an office of the public body is located. The court shall determine the matter de novo, and the burden is on the public body to establish that the required fee complies with its publicly available procedures and guidelines and section 4. Failure to comply with an order of the court may be punished as contempt of court.

(5) An action commenced under this section and an appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(6) If the requesting person prevails in an action commenced under this section by receiving a reduction of 50% or more of the total fee, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection (7).

(7) If the court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by charging an excessive fee, the court shall order the public body to pay a civil fine of \$500.00, which shall be deposited in the general fund of the state treasury. The court may also award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the fee reduction. The fine and any damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body that is not an individual and that kept or maintained the public record as part of its public function.

(8) As used in this section, "fee" means the total fee or any component of the total fee calculated under section 4, including any deposit.

**History:** Add. 2014, Act 563, Eff. July 1, 2015



## CITY COUNCIL AGENDA ITEM

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Date: June 10, 2015

To: Honorable Mayor and City Council

From: Brian Kischnick, City Manager  
Thomas Darling, Director of Financial Services

Subject: 2015 Annual Budget Amendments

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### History

The City maintains strong financial policies and best practices that demonstrate “doing government the best” in governmental financial management. These policies include continuous monitoring of departmental and fund expenditures to ensure conformity to budgets and if required, to amend budgets of the General Fund and Special Revenue funds to reflect changes in expectations.

As a matter of course and as reflected in the City’s budget calendar, management recommends budget amendments, if required, in June of each year to reflect these changes in expectations from amounts that were originally budgeted in the prior year.

These amendments reflect changes that can stem from a variety of factors including new grant agreements, unexpected increases in demand levels or commodity costs, and private contributions.

### Financial

The following are management’s budget recommendations by fund and/or department for the fiscal year ending June 30, 2015. All amendments were recognized, to various degrees, in management’s estimates during the City’s recent 2015/16 budget process.

#### General Fund

Revenues: Increase Building Permit revenue from \$1,515,000 to \$2,265,000, an increase of \$750,000 due to increase building and related permit fee activity.

Increase transfers in from Major Streets Fund from \$2,025,000 to \$2,325,000, an increase of \$300,000 to recognize reimbursement from Major Streets Fund to offset increased costs in Major Streets Department (See Major Streets *Department* and Major Streets *Fund* Below).



## CITY COUNCIL AGENDA ITEM

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### General Fund (continued)

#### Expenditures:

City Council Dept. Increase expenditure budget from \$79,800 to \$87,800, an increase of \$8,000 to recognize purchase of expendable furniture/equipment (Council Chairs).

City Manager Dept. Increase expenditure budget from \$1,399,340 to \$1,431,340, an increase of \$32,000 to recognize Management Analyst position.

Building Inspect. Increase budget from \$1,843,410 to \$2,403,410, an increase of \$560,000 to recognize increase in building and related inspection fee costs for SafeBuilt contract. (Note: this is more than offset by the revenue budget amendment above).

Major Streets Dept. Increase budget from \$2,035,000 to \$2,335,000, increase of \$300,000 to recognize increase cost in street signs (\$100,000) for repairs from motorist damage and replacement program and surface maintenance (\$200,000) for increased DPW staff time and materials for major road repairs and projects..

Major Streets Fund Increase Transfers Out to General Fund from \$2,025,000 to \$2,325,000, increase of \$300,000 to reimburse General Fund for major street department expenditures incurred (See Major Streets Dept. and General Fund Revenue amendments above).

Refuse Fund Increase fund budget from \$4,446,000 to \$4,618,000, increase \$172,000 to recognize prior year storm/flood pickup services from SOCRRA (\$164,000) and City Special Event pickups such as summer concerts, etc. (\$8,000).

Transit Center Fund Transfer budget from General Fund to individual Transit Center Fund. Transfer both revenues and expenditures of \$65,600. Revenues are generated through reimbursements from Amtrak for city incurred expenditures. In addition, revenues are also generated from corporate sponsor fees for advertising rights at the Transit Center Facility.

### Recommendation

Management encourages Council Approval of above recommended budget amendments.



## CITY COUNCIL AGENDA ITEM

**TO:** Members of the Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LSB*  
 Allan T. Motzny, Assistant City Attorney *ATM*  
**DATE:** June 16, 2015  
**SUBJECT:** Terrell Bishop v. City of Troy, et al. Lawsuit

---

Terrell Bishop filed a lawsuit against the City and individual Troy police officers and fire department employees, as well Oakland County individuals and entities. A copy of the lawsuit (excluding the numerous exhibits) is attached. The lawsuit is based on the City's investigation and prosecution of Plaintiff for arson and aggravated stalking. After a long preliminary examination, the Plaintiff was bound over for the criminal trial, since the Court determined that there was sufficient evidence and probable cause to believe Plaintiff committed the felonies of arson and stalking. After a lengthy jury trial in the Oakland County Circuit Court, the Plaintiff was found guilty of the crimes, and he is now serving time in prison. Plaintiff has filed an appeal from his felony criminal convictions, which is still pending in the Michigan Court of Appeals.

Plaintiff filed this civil lawsuit in Oakland County Circuit Court, and it has been assigned to Judge Phyllis C. McMillen. In his complaint, Plaintiff alleges false evidence was used against him and that the defendants violated his constitutional rights. He claims he was unlawfully arrested and falsely imprisoned. He argues that he was deprived of life, liberty, and property without due process of law and that he was denied his right to equal protection of the law. The Plaintiff brings this lawsuit under 42 USC Section 1983, seeking damages in excess of 30 million dollars. He is representing himself.

The following proposed resolution authorizes our office to defend the City's and individual Troy defendants' interests in this matter. Please let us know if you have any questions about this new lawsuit.

### PROPOSED RESOLUTION:

RESOLVED, that the City Attorney is hereby authorized and directed to represent the City of Troy and the individual Troy defendants in any and all claims and damages in the matter of *Terrell Bishop v. City of Troy, et al.* (Oakland County Circuit Court Case No. 15-147455 CZ). The City Attorney is also authorized to pay necessary costs and fees in the defense of the action.

*Rec'd  
6/10/20*

STATE OF MICHIGAN 6th JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. C 2
--	-----------------------	-----------------

Court address: 1200 N. Telegraph Rd., Pontiac, MI. 48341  
 Court telephone no.: 248-853-0581

Plaintiff's name(s), address(es), and telephone no(s).  
 Terrell Bishop  
 Michigan Reformatory  
 1342 West Main St.  
 Ionia, MI. 48846  
 #619748

v

Defendant's name(s), address(es), and telephone no(s).  
 (Kristine Shuler  
 City (Robert Wolfe  
 (James Mork  
 of (Daniel Bachleda  
 (Shawn Hugg  
 Troy (Peter Hullinger  
 (William E. Bolle  
 Oakland (Meagan M. Hill  
 Co. (Robert W. Vanwert  
 (Jeramey Peters-C/O  
 Auburn Hills

Plaintiff's attorney, bar no., address, and telephone no.  
 Pro se

**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
--------	----------------------	-------------

\*This summons is invalid unless served on or before its expiration date.  
 This document must be sealed by the seal of the court.

**COMPLAINT** *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

**Family Division Cases**  
 There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.  
 An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.  
 The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

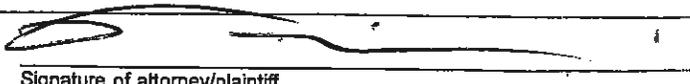
Docket no.	Judge	Bar no.
------------	-------	---------

**General Civil Cases**  
 There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.  
 A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.  
 The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

**VENUE**

Plaintiff(s) residence (include city, township, or village) 1342 W. Main St., Ionia, MI.	Defendant(s) residence (include city, township, or village) 48084 500 W. Big Beaver, Troy, MI.
Place where action arose or business conducted Oakland County	

Date: 5-26-15  
 Signature of attorney/plaintiff: 

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

**PROOF OF SERVICE**

**SUMMONS AND COMPLAINT**  
Case No. \_\_\_\_\_

**TO PROCESS SERVER:** You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**

**OFFICER CERTIFICATE**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

OR

**AFFIDAVIT OF PROCESS SERVER**

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

- I served personally a copy of the summons and complaint,
- I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with \_\_\_\_\_  
List all documents served with the Summons and Complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_ Date \_\_\_\_\_ County, Michigan.

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Signature: \_\_\_\_\_

Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_ Attachments

\_\_\_\_\_ on \_\_\_\_\_ Day, date, time

Signature \_\_\_\_\_ on behalf of \_\_\_\_\_

STATE OF MICHIGAN

JUDICIAL DISTRICT  
JUDICIAL CIRCUIT  
COUNTY PROBATE

SUMMONS AND COMPLAINT  
Page 3 of 102 pages

CASE NO.

C 2

8th

Court address 1200 W. Telegraph Rd.  
Pontiac, MI. 48341

Court telephone no.

248-858-0581

1. NOW COMES, Mr. Bishop, Plaintiff, in Pro Per, who brings this Civil Action under 42 USC § 1983 against named Defendants in their private and official capacity, for violations of Plaintiff's Constitutional rights under the Fourth Amendment and the Fourteenth Amendment alleging Defendants committing unlawful arrest, false imprisonment and deprived Plaintiff of life, liberty and property, without due process of law; and denied Plaintiff his right to equal protection of the laws. Further, violations of Plaintiff's Michigan Constitutional rights under Mich. (1963) Art 1 §§ 2,17,20.

2. Mr. Bishop has been damaged by loss of family, life, prosperity, liberty, business, work, property, the pursuit of happiness and being emotionally damaged. Mr. Bishop has been separated from his children, is suffering from defamation of character, and has suffered from physical and mental abuse from being incarcerated, as a result of Defendants' unlawful arrest, false imprisonment and deprivation of life, liberty and property without due process of law and denial of the equal protection of the laws, which violated Mr. Bishop's constitutional rights. Therefore is entitled to his damages, costs and attorneys' fees. Accordingly, Plaintiff, Mr. Bishop is seeking damages in the amount of thirty million(\$30,000,000.00) from Defendants. The Plaintiff as the prevailing party to the Action before this Honorable Court, the Court would be proper to tax Defendants for its court costs and fees under 28 USC § 1920, and 28 USC § 1923 (a); Mich. Court Rule 22.625(A)(F).

3. Plaintiff demands trial by jury in this Action.

4. WHEREFORE, Plaintiff respectfully prays that;

- a. Damages sought in the amount of thirty million (\$30,000,000.00) be granted;
- b. That Defendant-is taxed for court costs and fees upon entry of Judgement in favor of Plaintiff;
- c. That any other relief that Plaintiff would be entitled to upon the Court's discretion should be Granted.

\* See following page for documents enclosed.

STATEMENT OF FACTS

(Please provide details. You may attach additional pages.)

(American Bar Association Rule 3.4 and Equivalent Michigan Rule of Professional Conduct) Provides that an attorney shall not unlawfully "conceal a document or other material having potential evidentiary value."

This Rule governing the practice of law forbids attorneys from anticipatory obstruction of justice. Assistant Prosecuting Attorney Meagan M. Hill gave knowing assistance in fabricating a false and fraudulent authorization for a warrant application, the Complaint and Register of Action including SCAO approved Form MC240 order for pretrial release/custody (See attached Exhibit 2)

(Continued on attached pages)

Venue: City of Troy

Principal ex-employee involved: Meagan M. Hill, formerly known as Meagan Villerot

Employeeessinvolved: Kristine Shuler, Police  
Robert Wolfe, Police  
Daniel Bachleda, Police  
James Mork, Police  
Gustke , Police  
S. Salter, Police  
Peter Hullinger, Fire  
Shawn Hugg, Fire  
Clement J. Waldmann, Court  
Robert W. Vanwert, Court  
Grace M. Hutchens, Court  
William E. Bolle, Court

Complaint regarding: Fabricating false and fraudulent documents for presentation to a State Court.

Documents involved: Troy Police Report #CR 130017747-004  
Troy Fire Report #2013-0001342-000  
Complaint/General Information Pros.  
Order No.13-04048

Please see 67 page document/Exhibits attached

STATEMENT OF FACTS

(Continued)

Showing A.P.A. Hills handwriting on this custody form dated October 7, 2013, unsigned by the District Court Judge, yet used to hold the Defendant in care and custody of the Oakland County Jail unlawfully. Further, A.P.A. Hill submitted a electronic form of (SCAO Form MC 200 Bindover/Transfer After Preliminary Examination Felony). This form was transmitted to the Oakland County Circuit Court Criminal Division and the Michigan State Police Criminal Justice Information Center on 10/15/13, containing false statements (specifically) in section (2). Examination waiver is listed (Attorney Douglas K. Oliver P35810).

The Defendant on 10/7/13 was not represented by an attorney. Further, in section (3) adult bindover states examination was waived on 10/7/13, which Defendant never waived his preliminary (see Exhibit 3). The actual form which is used in preliminary examination waivers and bindovers has been "concealed" by A.P.A. Hill (see example form Exhibit 4). However, this fabrication and fraudulent document is reflected in the Register of Actions transmitted by the 52-4 Judicial District Court Clerk (see attached copy Exhibit 4). All forms stated above require a District Judge's signature, yet contains none. Assistant Prosecuting Attorney Meagan M. Hill defrauded the Courts, the State, and mainly Mr. Bishop by tampering with evidence (see attached Affidavit) and concealing and fabricating false documents for presentation to a State Court, mischaracterizing

her action to the Court (see attached Exhibits #5 transcript pages 12 & 13 from Arraignment Hearing on 10/30/13)(Please note this Exhibit is extremely edited and unlawfully revised which is part of a related pending matter with the Michigan Judicial Tenure Commission RFI No. 15-21543). This corrupt behavior was knowing, willful, and intentional purposeful misbehavior with a sense of depravity perversion and taint by Attorney Hill.

The fabricated false and fraudulent documents used for presentation in 52-4 District Court between the dates of June 3, 2013, and October 7, 2013 to obtain a false warrant and subpoena in order to conduct a false District Court Arraignment and partial Preliminary Examination based on a falsified police report, Troy Police Report #CR 130017747-004 by Officer Kristine Shuler (which can be verified as false by comparing this report with both Troy Police DVDs of lock-up interviews conducted on 6/8/13 listed as evidence #1300177747-00)(see attached Affidavit).

Further, falsified evidence used by A.P.A. Hill to obtain this warrant is listed on the Complaint/General Information Pros. Order NO. 13-04048, which includes a Michigan State Police Crime Lab Report containing false evidence. A glass jar with gasoline inside listed as obtained from suspect's vehicle, there is no verifiable evidence tag # or police report linking this false evidence with the Complaint/General Information. Also, listed is "any and all records for account # 248-667-1521" including subscriber records. This cellphone number is also listed on the

Prosecutor's subpoena contained in the authorization for a warrant application. (This is a false cellphone number listed to hide the true cellphone number and GPS, cell site tower subscriber records for 248-667-1157)(see Exhibit 6).

A.P.A. Meagan Hill also conspired with Judge William E. Bolle (P10970) on October 7, 2013, to suppress this and other false evidence by requesting a private in-chambers meeting that I was not allowed to participate in. This private meeting was concerning the continuation of the Preliminary Examination. However, at the conclusion of this private in-chambers meeting, Judge Bolle refused to allow presentation of proofs by the Defendant and violated Michigan Law MCL 766.12 and MCR 6.110(C), see Exhibit 1. Also see Exhibit 7 Troy Fire Department Incident Report # 2013-0001342-000 showing that the area of origin of this fire was the Egress/Exit page 1 and page 2 listed fire spread - confined to room of origin. This Report was suppressed by Ms. Hill in order to obtain a false bind-over and ultimate conviction. This Report clearly shows that the fire started on the inside of the house, making it impossible for anyone to have committed a arson from the outside as the above stated police reports reflect.

A.P.A. Hill suppressed, fabricated and obstructed justice by obtaining a false warrant based on a false complaint. Then conducted a partial false preliminary examination on June 20, 2013. Then obtained a false bind-over by conspiring with Judge Bolle on October 7, 2013, unlawfully suppressing evidence and

witnesses. Then submitted false documentation for a bind-over, SCAO Form MC 200 or electronic version listing the preliminary examination as waived. (See Exhibits 1-7).

In summary this perjury, conspiracy and "anticipatory obstruction of justice" was committed with a willfull intent to uncover the eyes of justice or tilt the scales which is a willful intent to deny due process. This obstruction violates Michigan Penal Code 750.505 §§ 2,3,4,5,7,9 and violates Title 18 USC § 1346 "Scheme or artifice to defraud" by perpetrating a scheme or artifice to deprive another of the intangible right of honest services. This is considered fraud and an overthrow of a constitutional form of government and Attorney Meagan M. Hill (P72099) should be held accountable along with all conspiring actors involved including attorneys:

Robert W. Vanwert (P70957)  
Douglas K. Oliver (P35810)  
Howard S. Arnkoff (P10258)  
H. Wallace Parker (P18647)  
David E. McGruder (P69898)  
Elisha M. Oates (P77414)  
Peter L. Menna (P72671)  
Kelly Marie Collins (P58638)  
Joshua J. Miller (P75215)  
Deborah A. Choly (P34766)

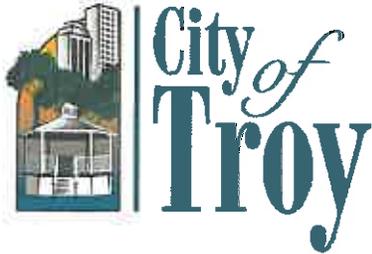
These Michigan attorneys listed above are all governed by the Michigan Rules of Professional Conduct and failed to comply with an obligation or prohibition imposed by these Rules.

(Note this ( ) all attorneys listed can provide personal knowledge and information regarding the events that occurred stated in this Complaint.)

### No Proof of Venue

Pursuant to MCL 600.8312, venue is proper "in the political subdivision where the violation took place." Defendant is charged with committing aggravated stalking, a violation of MCL 750.411i by means of one or more credible threats against Amy Hardrick. Therefore, the conduct constituting such a violation is the making of a threat. It follows then that, according to the plain meaning of MCL 600.8312, the preliminary examination was to have taken place in the political subdivision where the threats were made.

In this case however, no evidence was presented at the examination concerning the political subdivision within which Defendant was alleged to have made the threats. The police reports provided to Defendant's counsel disclose that Defendant lived in Wayne County. If the alleged threats were made from a particular political subdivision in Wayne County, then the preliminary examination regarding the aggravated stalking charge was to have taken place in that political subdivision in Wayne County. Here, there was no evidentiary support at the preliminary examination to show that venue in Troy, Michigan, or any particular place in Oakland County, was proper.



## CITY COUNCIL AGENDA ITEM

TO: Members of the Troy City Council  
FROM: Lori Grigg Bluhm, City Attorney *LB*  
Nicole F. MacMillan, Assistant City Attorney *NM*  
DATE: June 16, 2015  
SUBJECT: Dandu and Moustan v. City of Troy, et al. Lawsuit

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The City of Troy is joined with the Oakland County Treasurer's Office as defendants in the attached lawsuit filed by Mr. Dandu and Mr. Moustan. Mr. Dandu purchased a foreclosed property (1369 E. Wattles Road) in August 2014, and Mr. Moustan purchased the property from him in October 2014. Through the lawsuit, the Plaintiffs are seeking the removal of a past due water bill lien in the amount of \$14,039.71, since this bill represents charges incurred prior to their acquisition of the property.

This case has been assigned to Oakland County Circuit Court Judge Denise Langford Morris, who signed the initial order foreclosing on the property on February 26, 2014. Plaintiffs argue that the order granting the requested foreclosure extinguished all claims prior to this date. The complaint requests declaratory and injunctive relief.

The following proposed resolution authorizes our office to defend the City's interest in this matter. Please let us know if you have any questions about this new lawsuit.

### PROPOSED RESOLUTION:

RESOLVED, that the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of *Dandu and Moustan v. City of Troy and Oakland County Treasurer* (Oakland County Circuit Court Case No. 2015-147152-CZ). The City Attorney is also authorized to pay necessary costs and fees in the defense of the action.

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit [www.oakgov.com/clerkrod/efiling](http://www.oakgov.com/clerkrod/efiling).

Approved, SCAO

Original - Court  
1st copy - Defendant

2nd copy - Plaintiff  
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 6TH JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. <b>2015-147152 - CZ</b>
--	-----------------------	-------------------------------------

Court address: 1200 N. Telegraph Road, Dept. 404, Pontiac, MI 48341-0404  
Court telephone no. (248) 858-1000

Plaintiff's name(s), address(es), and telephone no(s).  
Simon Dandu, 1334 Larayne Dr., Troy, MI 48085  
and  
Ioan Gavril Mosuta, 319 Balhaven Dr., Troy, MI 48085

Defendant's name(s), address(es), and telephone no(s).  
v  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Plaintiff's attorney, bar no., address, and telephone no.  
Robert J. Cucco (P35046)  
74 W. Long Lake Road, Suite 203  
Bloomfield Hills, MI 48304  
(248) 647-8899

**SUMMONS** NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:  
1. You are being sued.  
2. YOU HAVE 21 DAYS after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))  
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued <b>JUN 03 2015</b>	This summons expires <b>AUG 19 2015</b>	Court clerk <b>Lisa Brown</b>
------------------------------	--	----------------------------------

\*This summons is invalid unless served on or before its expiration date.  
This document must be sealed by the seal of the court.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

**Family Division Cases**  
 There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.  
 An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.  
The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Bar no.
------------	---------

**General Civil Cases**  
 There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.  
 A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.  
The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

**VENUE**

Plaintiff(s) residence (include city, township, or village) Oakland County, MI	Defendant(s) residence (include city, township, or village) Oakland County, MI
Place where action arose or business conducted: Oakland County, MI	

05/20/2015  
Date  
Signature of attorney/plaintiff: **ROBERT J. CUCCO**

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Received for Filing Oakland County Clerk 2015 JUN 03 PM 02:31

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit [www.oakgov.com/clerkrod/efiling](http://www.oakgov.com/clerkrod/efiling).

STATE OF MICHIGAN  
IN THE OAKLAND COUNTY CIRCUIT COURT

SIMON DANDU and IOAN GAVRIIL MOSUTAN,

Plaintiffs,

Vs.

2015-147152-CZ

JUDGE LANGFORD MORRIS

Case No.

CZ

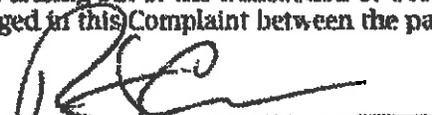
Hon.

THE CITY OF TROY, a Michigan Municipality and  
THE OAKLAND COUNTY TREASURER'S OFFICE,  
A Governmental Entity.

Defendants.

ROBERT J. CUCCO (P35046)  
Attorney for Plaintiffs  
74 W. Long Lake Road, Suite 203  
Bloomfield Hills, MI 48304  
(248) 647-8899  
[rc@cucconc.com](mailto:rc@cucconc.com)

There is no prior, pending or resolved civil  
action arising out of the transaction or occurrence  
alleged in this Complaint between the parties.

  
Robert J. Cucco (P35046)

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

NOW COME the Plaintiffs, Simon Dandu ("Dandu") and Ioan Gavril Mosutan ("Mosutan"), collectively "Plaintiffs", and for their Verified Complaint for Declaratory Judgment and Injunctive Relief against the City of Troy ("Troy") and the Oakland County Treasurer's Office ("OCTO"), collectively "Defendants", states as follows:

1. Plaintiff Dandu is the original Purchaser of real property from the Oakland County Treasurer's Office (at a Tax Sale), described as:

T2N, R11E, Sec 14 Supervisor's Plat of Square Acres Sub Part of Lot 34 Beg at SW Lot Cor, Th N 00-38-30 W 150 Ft, Th E 95 Ft, Th S 00-38-30 E 150 Ft, Th W 95 Ft to Beg 2-26-01 Fr 007 12-13-02 Corr

Commonly known as 1369 East Wattles Rd., Troy, MI 48085

Parcel I.D. No. 88-20-14-376-012 ("Property")

Received for Filing Oakland County Clerk 2015 MAY 20 PM 12:30

2. Plaintiff Mosutan is the current Titleholder to the Property pursuant to a Quit Claim Deed from Plaintiff Dandu, dated October 23, 2014.

3. The Defendant Troy is a Michigan Municipality with governmental offices located at 500 W. Big Beaver Road, Troy, MI 48084.

4. The Defendant OCTO, Andrew Meisner, Treasurer, is a County Government with offices at 1200 N. Telegraph Road, Building 12E, Dept. 479, Pontiac, MI 48341.

5. Venue is proper in this Court because all parties are residents or conduct business and the Property is located in Oakland County, Michigan.

6. This Court has jurisdiction over the parties in this cause because all parties are residents or conduct business in Oakland County, this claim concerns Property in Oakland County, and this is a claim by a property owner and taxpayer against the governmental entities within the Court's jurisdiction.

**COUNT I**  
**DECLARATORY RELIEF**

7. On or about May 14, 2013, the Oakland County Treasurer's Office filed a Petition to Foreclose upon various real properties pursuant to the General Property Tax Act ("GPTA"), being MCL 211.1 et seq.

8. This Honorable Court, by Judge Denise Langford Morris in Case No. 13-134052-CZ, entered a Judgment of Foreclosure, on February 26, 2014, regarding various properties including the subject Property. See *Exhibit A* attached hereto and made a part hereof. The Judgment of Foreclosure included specific language regarding the extinguishment of various liens and interests in the Property by virtue of the Judgment pursuant to the GPTA. See *Exhibit A*.

9. On or about August 19, 2014, the Plaintiff Dandu submitted an Offer to Purchase the Property to the Oakland County Treasurer's Office for the sum of One Hundred Thirteen Thousand Dollars (\$113,000.00), which offer was accepted and executed by the Oakland County Treasurer's Office. See *Exhibit B* attached hereto and made a part hereof.

10. After payment of the Purchase Price, Plaintiff Dandu received a "Deed Pursuant to Act 129 of 1999" from the Defendant OCTO, dated September 26, 2014. See *Exhibit C* attached hereto and made a part hereof.

11. At the time of the foreclosure sale and transfer of title to Plaintiff Dandu, the City of Troy claimed that water and sewer charges were due from the prior owner of Fourteen Thousand Thirty-Nine Dollars and 71/100 (\$14,039.71) and One Thousand Four Hundred Three Dollars and 97/100 (\$1,403.97) ("Water Charges").

12. Plaintiff Dandu visited the City of Troy Offices and was advised that the water charges were still due and had been transferred to the tax rolls for the Defendant Troy.

13. When the Water Charges (then converted to City taxes) remained unpaid, the Defendant Troy sent the delinquent tax account to OCTO for collection.

14. On or about October 23, 2014, the Plaintiff Dandu transferred the Property to the Plaintiff Mosutan by Quit Claim Deed. See *Exhibit D* attached hereto and made a part hereof.

15. On or about November 3, 2014, this attorney was retained by Plaintiffs and wrote a letter to the City of Troy, citing MCL 211.78(m)(13) of the GPTA, as grounds for extinguishing all water and sewer charges as of the December 31<sup>st</sup> immediately succeeding the sale, transfer or retention of the Property, e.g., December 31, 2014. See *Exhibit E* attached hereto and made a part hereof.

16. The GPTA at MCL 211.78(m)(12) (formerly MCL 211.78(m)(13)) states as follows:

"(12) For property sold under this section, transferred to this state under subsection (1), a City, Village or Township under subsection (6) or retained by a foreclosing governmental unit under subsection (7), all liens for costs of demolition, safety repairs, debris removal, or sewer or water charges due on the property as of the December 31 immediately succeeding the sale, transfer, or retention of the property are cancelled effective on that December 31. This subsection does not apply to liens recorded by the Department of Environmental Quality under this Act or the Land Bank Fast Track Act, 203PA 258, MCL 124.7512124.774." *Emphasis added.*

17. When the City of Troy failed to respond to the Plaintiffs' November 3, 2014 request to extinguish and cancel the water and sewer charges, Plaintiffs again confirmed that

the water and sewer charges had been transferred to the tax rolls and had been forwarded to the Oakland County Treasurer's Office because they were delinquent.

18. Plaintiffs then sent a subsequent letter, dated March 17, 2015, to the City of Troy Treasurer's Office and the Troy City Attorney's Office demanding that the water and sewer charges be removed from the account within ten (10) days of the date of the correspondence. See *Exhibit E* attached hereto and made a part hereof.

19. The City of Troy again failed to respond to the March 17, 2015 demand for extinguishment of the water and sewer charges in any fashion and, at this point in time, the water and sewer charges remain as a charge against the Property and are pending tax foreclosure by the Oakland County Treasurer's Office.

20. Under these facts, there is an actual controversy between the parties because of their disagreement and adverse positions with regard to their rights and obligations under MCL 211.78(m)(12). Moreover, Plaintiffs have no relief except for this Court's declaration of the parties rights and obligations with regard to the water and sewer charges and their ultimate foreclosure as a tax lien.

21. This Court has the power under MCR 2.605 to adjudicate the matters at issue and enter its Judgment declaring the rights of all parties to this action; in order to guide Plaintiffs future conduct and to avoid a second foreclosure of the Property solely because of the existence of the unauthorized water and sewer charges.

22. This Court's determination will also resolve the conflict between the Plaintiffs as taxpayers and the Defendants as tax collectors and will preserve Plaintiffs' legal rights with respect to the extinguishment of the water and sewer charges.

**WHEREFORE**, Plaintiffs, Simon Dandu and Ioan Gavril Mosutan, request a declaration from this Court, pursuant to MCR 2.605, that the Michigan General Property Tax Act requires the extinguishment of the water and sewer charges currently totaling Seventeen Thousand Two Hundred Thirty Dollars and 63/100 (\$17,230.63) from the tax rolls and records of the City of Troy and the Oakland County Treasurer's Office and that tax foreclosure of the subject Property based upon the unauthorized water and sewer charges is not warranted.

**COUNT II**  
**INJUNCTION**

23. Plaintiffs repeat and reiterate Paragraphs 1 through 22 as though fully set forth herein.

24. The Defendant Troy has transferred the alleged tax liability of Plaintiffs (regarding the water and sewer charges) to Defendant OCTO for the purpose of tax lien foreclosure.

25. If during the pendency of this case, the OCTO proceeds with foreclosure based upon this erroneous tax lien, then Plaintiffs will have no adequate remedy at law because their Property will be sold based upon an erroneous interpretation of the GPTA and they will be forced to purchase the Property a second time from a tax lien foreclosure.

26. Plaintiffs have a high likelihood of prevailing on the merits because the statute clearly requires extinguishment of water and sewer charges after a foreclosure sale and purchase. Moreover, a Michigan Attorney General Opinion interpreting the General Property Tax Act and the relevant provision to this cause of action exists as Attorney General Opinion 7258.

27. The comparative injury from the grant or denial of an injunction is greater for the Plaintiffs because if the Defendants foreclose upon the Property they will take Plaintiffs' Property through foreclosure without a basis in law.

28. Conversely, Defendant Troy must correct its processing of foreclosed property through the GPTA so that future purchases of tax properties in the City of Troy are not stifled and so that other individuals and businesses purchasing tax foreclosed property in the City of Troy are not subject to the same misinterpretation of the GPTA.

**WHEREFORE**, Plaintiffs, Simon Dandu and Ioan Gavril Mosutan, request that this Honorable Court issue preliminary and permanent injunctions, pursuant to MCR 3.310, to enjoin any potential or actual tax foreclosure sale of the Property pending the disposition of this case and to further enjoin the City of Troy from acting in violation of the GPTA.

"I DECLARE THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF."



Simon Dandu

"I DECLARE THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF."



Ioan Gavril Mesutan

Respectfully submitted,

ROBERT J. CUCCO, P.C.



Robert J. Cucco (P35046)  
Attorney for Plaintiffs  
74 W. Long Lake Road, Suite 203  
Bloomfield Hills, MI 48304  
(248) 647-8899  
[www.rjccucco.com](http://www.rjccucco.com)

Dated: May 20, 2015

OAKLAND COUNTY 13-134052-CZ  
JUDGE D. LANGFORD MORRIS  
OAKLAND CTYT v NONE

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

In the matter of the Petition of the Treasurer of the County of Oakland, Michigan,  
for the foreclosure of certain lands for unpaid taxes.

Case No. 13-134052-CZ  
HON. DENISE LANGFORD MORRIS

WILLIAM J. MANN (P 26559)  
Assistant Corporation Counsel  
Attorney for Petitioner  
1200 N. Telegraph Road  
Pontiac, MI 48341-1032  
(248) 858-0556

RECEIVED FOR FILING  
OAKLAND COUNTY CLERK  
2014 MAR -4, PM 2:25  
BY: DEPUTY CLERK

At a session of this Court, held at the Court House in the City of Pontiac  
on the 26<sup>th</sup> day of February, A.D. 2014

Present: Hon. DENISE LANGFORD MORRIS, Circuit Court Judge.

JUDGMENT OF FORECLOSURE

This matter was initiated with the filing of a Petition on May 16, 2013. The  
Petition identified parcels of property forfeited to the Oakland County Treasurer  
under MCL 211.78g for the tax years 2011, and for prior years' taxes permitted  
by statute. The petition set forth the amount of the unpaid delinquent taxes,  
interest, penalties, and fees for which each parcel of property was forfeited. The  
Petition sought a judgment in favor of petitioner, Oakland County Treasurer, for  
the forfeited unpaid delinquent taxes, interest, penalties, and fees listed against  
each parcel of property. The Petition further sought a judgment vesting absolute  
title to each parcel of property in the petitioner, without right of redemption, as to

EXHIBIT A

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parcels of property not redeemed on or before March 31, 2014, or in a contested case within 21 days after the entry of a judgment foreclosing the property.

Before the date of the hearing on the Petition, petitioner filed with the clerk of the court proof of service of the notice of show cause hearing and notice of foreclosure hearing, proof of publication, and proof of personal visit, as required by MCL 211.78k(1), for each parcel to be foreclosed upon.

A hearing on the Petition and objections thereto was held on February 26, 2014 at which time all parties interested in the forfeited properties were given an opportunity to be heard.

The Court finds that those parties entitled to notice and an opportunity to be heard have been provided that notice and opportunity.

**THEREFORE, IT IS ORDERED:**

(a) The amount of forfeited delinquent taxes, interest, penalties, and fees set forth in the list of foreclosed property attached to this Judgment is valid and a judgment of foreclosure is entered in favor of petitioner against each parcel of property, separately, for payment of the amount set out against the parcel.

(b) Fee simple title to each parcel foreclosed upon in this Judgment will vest absolutely in petitioner, subject to the limitations of paragraphs (c) and (d), below, without any further rights of redemption, if all forfeited delinquent taxes, interest, penalties, and fees foreclosed against the parcel are not paid to the County Treasurer on or before March 31, 2014, or in a contested case within 21 days of the entry of a judgment foreclosing the property.

(c) All liens against each parcel, including any lien for unpaid taxes or special assessments, except future installments of special assessments and

liens recorded by the State or the petitioner pursuant to the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101, et seq., are extinguished, if all forfeited delinquent taxes, interest, penalties, and fees foreclosed against the parcel, plus any additional interest required by statute, are not paid to the County Treasurer on or before March 31, 2014, or in a contested case within 21 days of the entry of a judgment foreclosing the property.

(d) All existing recorded and unrecorded interests in each parcel are extinguished except: (1) a visible or recorded easement or right-of-way, (2) private deed restrictions, (3) restrictions or other governmental interests imposed pursuant to the Natural Resources and Environmental Protection Act, *supra*, (4) interests of a lessee or an assignee of a lessee under an oil or gas lease recorded before the date of filing of the Petition in this action, and (5) interests preserved under § 1(3) of the dormant minerals act, 1963 PA 42, MCL 554.291(3), if all forfeited delinquent taxes, interest, penalties, and fees foreclosed against the parcel, plus any additional interest required by statute, are not paid to the County Treasurer on or before March 31, 2014, or in a contested case within 21 days of the entry of a judgment foreclosing the property.

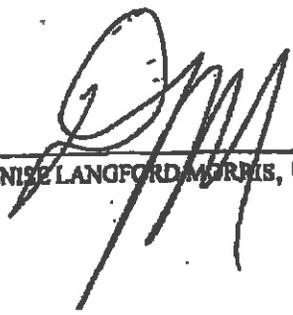
(e) Petitioner has good and marketable fee simple title to each parcel, subject to the limitations of paragraphs (c) and (d), above, if all forfeited delinquent taxes, interest, penalties, and fees foreclosed against the parcel, plus any additional interest required by statute, are not paid to the County Treasurer on or before March 31, 2014, or in a contested case within 21 days of the entry of a judgment foreclosing the property.

(f) Current taxes including those that have not become a lien on the land as of the date of foreclosure are not extinguished by this Judgment.

(g) Properties set forth in the petition which were not listed in this Judgment because of lack of service or because of objections sustained at the Administrative Show Cause Hearing, shall continue to accrue interest, penalties and fees at the statutory rate as set forth in 1893 PA 206, as amended, and 1965 PA 380, as amended.

(h) This is a final order with respect to each parcel affected by this Judgment and unless appealed pursuant to MCL 211.78k(7) or canceled pursuant to MCL 211.78k(9) shall not be modified, stayed, or held invalid after March 31, 2014.

IT IS FURTHER ORDERED this Judgment resolves the last pending claim and closes the case.

  
\_\_\_\_\_  
DENISE LANGFORD MORRIS, Circuit Court Judge

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**OFFER TO PURCHASE FORECLOSED REAL ESTATE**  
**BY AUTHORITY OF PUBLIC ACT 123 OF 1999**

**Sale #: 2014-000956**

**Bidder #: 1835-4978**

The Oakland County Treasurer became the title owner of certain parcels of real estate as a result of the forfeiture and foreclosure of land for unpaid taxes and a judgment of the Oakland County Circuit Court dated February 26, 2014. This property is being offered for sale pursuant to MCL 211.78 (m).

**PURCHASER**

**SIMON DANDU  
1334 LARAYNE DR  
TROY MI 48065**

COPY

The undersigned hereinafter designated as the purchaser hereby, offers and agrees to purchase land and premises situated in the City of Troy in Oakland County, Michigan described as follows:

**88 20-14-378-042**

**T2N, R11E, SEC 14 SUPERVISOR'S PLAT OF SQUARE ACRES SUB PART OF LOT 34 BEG AT SW LOT COR, TH N 00-38-36 W 150 FT, TH E 95 FT, TH S 00-38-30 E 150 FT, TH W 95 FT TO BEG 2-26-01 FR 007 12-17-02 CORR**

also known as: 1388 E WATTLES RD

together with all improvements and appurtenances, including all lighting fixtures, shades, venetian blinds, curtain rods, drapery hardware, storm windows and doors, screens, awnings, and antenna, if any, if they are located on the premises; subject to existing restrictions of record, easements for public utilities, and driveways and zoning ordinances, and to pay the sum of \$113,000.00. In addition to the amount listed, all current year taxes including any penalties, administrative fees, interest, new and continued special assessments added in current year, ie: Weed cutting, debris removal, demolition charges, water bills, etc., are the full responsibility of the purchaser.

The purchaser accepts the premises in its present "as-is" condition, and releases the Seller, also its officers, employees and agents and the County of Oakland from all liability whatsoever arising from any condition of the premises, whether now known or subsequently discovered, including but not limited to all claims based on environmental contamination of the premises.

Purchaser shall receive a deed for the subject property pursuant to Public Act 123 of 1999. Purchaser shall not receive a Seller's Disclosure Statement pursuant to Act 92 of 1993 because the disclosure requirements do not apply as set forth in MCL 565.953 (3)(c) as amended.

If purchaser is desirous of obtaining title insurance he or she shall do so at his or her own expense. Purchaser shall pay all recording fees.

Dated: August 19, 2014

IN THE PRESENCE OF:

\_\_\_\_\_  
Purchaser

The foregoing offer is accepted and the Seller agrees to sell said premises upon the terms stated.

By the execution of this instrument, Seller acknowledges the receipt of a copy of this agreement.

IN THE PRESENCE OF:

\_\_\_\_\_  
*Simon Dandu*

\_\_\_\_\_  
*Andrew E. Meisner*

Seller  
Andrew E. Meisner

EXHIBIT

B

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0194807

LIBER 47482 PAGE 890  
\$19.00 DEED - COMBINED  
\$ 10 REASSURANCE  
16/09/2014 16:43:15H RECIPIT 699868  
PAID RECORDED - OAKLAND COUNTY  
LARA ROOMS, CLERK/REGISTER OF DEEDS

**DEED PURSUANT TO ACT 123 OF 1999**

The grantor, Andrew E. Meisner, Oakland County Treasurer, whose address is 1200 N. Telegraph Road, Building 12E, Dept. 479, Pontiac, Michigan 48341, conveys in fee simple interest to SIMON DARDU

whose address is: 1334 LARAYNE DR  
TROY, MI 48065

the following described premises situated in the CITY of Troy  
County of Oakland and State of Michigan.

T2N, R11E, SEC 14 SUPERVISOR'S PLAT OF SQUARE ACRES SUB PART OF LOT 34 BEG AT SW LOT COR, TH N 00-38-30 W 150 FT, TH E 95 FT, TH S 00-38-30 E 150 FT, TH W 95 FT TO BEG 2-26-01 FR 007 12-13-02 CORR

Parcel Number: 20-14-376-042

for the sum of \$113000.00  
subject to easements and building restrictions of record and those enumerated special assessments and liens set forth in MCL 211.78k(5)(c), as amended.  
This transfer is exempt pursuant to MCL 207.505(h)(i) and MCL 207.528(h)(i)

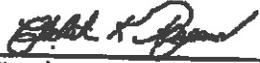
Dated this 26th day of SEPTEMBER 2014



Andrew E. Meisner  
Oakland County Treasurer

State of Michigan  
County of Oakland

The foregoing instrument was acknowledged before me this 26th Day of SEPTEMBER 2014  
By Andrew E. Meisner, Oakland County Treasurer



Elizabeth K. Raymond  
Notary Public Oakland County, Michigan, Acting in Oakland County  
My Commission expires: October 14, 2017

Instrument drafted by:  
Chief - Tax Administration  
Oakland County Treasurer's Office  
1200 N. Telegraph Road, Bldg. 12E Dept. 479  
Pontiac, MI 48341

When recorded return to: Grantee  
Send subsequent tax bills to: Grantee

EXHIBIT       C      

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RECEIVED  
OAKLAND COUNTY  
REGISTER OF DEEDS

OCT 23 AM 10:18

204245  
LIBER 47529 PAGE 863  
\$12.00 DEED - COMBINED  
\$4.00 REDEMPTION  
10/23/2014 10:14:06 A.M. RECEIPT# 106035  
PAID RECORDED - OAKLAND COUNTY  
LISA BRINN, CLERK/REGISTER OF DEEDS

QUIT CLAIM DEED - Statutory Form  
M.C.L. 565.152

KNOW ALL PERSONS BY THESE PRESENTS: That Simon Dandu MARIED  
whose address is 1334 Larayne St Troy MI 48065

Quit Claim(s) to Ioan Gavril Mesutan  
whose address is 319 Belhaven Troy MI 48065

the following described premises situated in the  
County of Oakland of  
and State of Michigan, to-wit:

see attacement.

Commonly known as: 1369 E. Wattle Rd Troy MI 48065

for the full consideration of 1\$1,000

Tax I.D. Number: 20-14-376-042

Dated this 23 day of OCT. 2014

Signed by: Simon D.

Simon Dandu

(2)  
R  
E

STATE OF MICHIGAN

COUNTY OF Oakland

OK - AN

The foregoing instrument was acknowledged before me this 23rd day of October 2014

by Simon Dandu

My commission expires

August 1 2020

Drafted by Dandu Simon

Heinda Chambers

Notary Public Oakland County, Michigan

Business Address 1334 Larayne St Troy MI 48065

After recording return to: Simon D.  
Counter Customer

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

Heinda Chambers  
Notary Public, Oakland County, Michigan  
Acting in Oakland County  
My Commission Expires August 1, 2020

EXHIBIT D

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(88) 20-14-376-042

<b>CVT:</b>	City of Troy	<b>PIN:</b>	(88) 20-14-376-042
<b>Status:</b>	Active	<b>Parcel Type:</b>	Land
<b>Add Date:</b>	2/26/2001	<b>Delete Date:</b>	
		<b>Last Activity:</b>	10/18/2014 5:19:36 AM

Description	
1	T2N, R11E, SEC 14
2	SUPERVISOR'S PLAT OF
3	SQUARE ACRES SUB
4	PART OF LOT 34
5	BEG AT SW LOT COR,
6	TH N 00-38-30 W 150 FT,
7	TH E 95 FT,
8	TH S 00-38-30 E 150 FT,
9	TH W 95 FT
10	TO BEG
11	2-26-01 FR 007
12	12-13-02 CORR

Parent(s)	Delete Date	Child(ren)	Add Date
FR 007	2/26/2001		

Information			
Primary Mailing Address	Site Address Indicator	Addressee(s)	Address
■		★Ioan Gavril Mosutan	319 Belhaven Dr Troy MI 48085-4794
	🏠	★Ioan Gavril Mosutan	1369 E Wattles Rd Troy MI 48085-4952

**Address Info Legend**

- = Primary Mailing
- 🏠 = Primary Site
- 🏡 = Extra Site
- ★ = Primary
- ◆ = Secondary
- = Care Of
- ⊙ = Other
- Black = Individual
- Brown = Organization
- Green = Trust

S.D.

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LAW OFFICES  
ROBERT J. CUCCO  
PROFESSIONAL CORPORATION  
74.WEST LONG LAKE RD., SUITE 203  
BLOOMFIELD HILLS, MICHIGAN 48304-2775

TELEPHONE  
(248) 647-8899  
E-mail: [rc@cuccopc.com](mailto:rc@cuccopc.com)

FACSIMILE  
(248) 645-1128

November 3, 2014

City of Troy Treasurer's Office  
500 W. Big Beaver Road  
Troy, MI 48084

Re: Simon Dandu, Owner of 1369 E. Wattles Road, Troy, MI  
PIN 88-20-14-376-042  
Taxpayer: 1369 Wattles, LLC

Dear Treasurer:

Please be advised that my client purchased the above referenced property at a foreclosure sale conducted by Oakland County and pursuant to a judgment of Foreclosure, dated February 26, 2014 which is attached as *Exhibit A*. I am also attaching my client's Offer to Purchase Foreclosed Real Estate by Authority of Public Act 123 of 1999 ("Act") and his receipt for payment of the Purchase Price of One Hundred Thirteen Thousand Dollars (\$113,000.00). See *Exhibits B* and *C*. We are awaiting a Deed from Oakland County pursuant to the Purchase Agreement, Judgment, and payment by Purchaser.

My client delivered a Status Report from your office dated September 25, 2014 which shows sewer and water liabilities that attached to the prior owner and were current through September 16, 2014. See *Exhibit D*. We investigated further and found that the matter had been transferred to Oakland County and, as of September 2, 2014, Oakland County shows no monies due through 2013 for taxes, interest, and fees because of the County land sale. See *Exhibit E*.

Pursuant to MCL 211.78(m)(13), after a sale of property by a County pursuant to the Act, "... all liens for costs of demolition, safety repairs, debris removal, or sewer and water charges due on the property as of the December 31 immediately succeeding the sale, transfer, or retention of the property are cancelled".

Therefore, any liens for sewer and water charges from the City of Troy are cancelled through December 31, 2014.

Please correct your records accordingly. If you require a copy of the Deed from the County to the Purchaser, please advise and I will see that one is delivered upon our receipt of same. If there are any questions or comments, please contact this writer and,

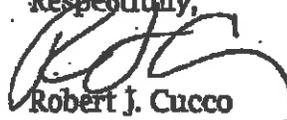
EXHIBIT

E

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in either event, please confirm that all of the water and sewer charges through December 31, 2014 are cancelled on the subject property.

Respectfully,



Robert J. Cucco

RJC/kel  
Enclosures

Cc: Simon Dandu (w/encl)

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LAW OFFICES  
ROBERT J. CUCCO  
PROFESSIONAL CORPORATION  
74 WEST LONG LAKE RD., SUITE 203  
BLOOMFIELD HILLS, MICHIGAN 48304-2775

TELEPHONE  
(248) 647-8899  
E-mail: [rc@rjcuccopg.com](mailto:rc@rjcuccopg.com)

FACSIMILE  
(248) 645-1128

March 17, 2015

***Certified Mail***  
***Return Receipt Requested***

City of Troy Treasurer's Office  
500 W. Big Beaver Road  
Troy, MI 48084

Susan Lancaster  
Assistant City Attorney  
500 W. Big Beaver Road  
Troy, MI 48084

Re: Simon Dandu, Owner of 1369 E. Wattles Road, Troy, MI  
PIN 88-20-14-376-042  
Taxpayer: 1369 Wattles, LLC

Dear Treasurer and Ms. Lancaster:

On November 3, 2014, I sent correspondence to your office regarding a tax foreclosure sale purchase of the referenced property at 1369 E. Wattles Road, Troy, MI. A copy is attached. In that correspondence I requested that the City cancel water and sewer charges on the Property as of December 31<sup>st</sup> immediately succeeding the sale pursuant to MCL 211.78(m)(13). I originally attached a copy of the Judgment of Foreclosure, dated February 26, 2014, as well as a Status Report from the City of Troy, dated September 25, 2014 (post purchase), and a Status Report from the Oakland County Treasurer's Office. The Status Report from the City of Troy indicates unpaid sewer and water charges of Fourteen Thousand Thirty-Nine Dollars and 71/100 (\$14,039.71) (at a minimum). All water and sewer charges were terminated and extinguished prior to December 31, 2014 pursuant to MCL 211.78(m)(13). Therefore, these water and sewer charges should have been eliminated.

When I visited your office on January 13, 2015, the City Treasurer's Office advised that they would not cancel the water and sewer charges against the Property. I met with Susan Lancaster on that date and she advised that the City has a different interpretation of the statute pursuant to contacts that she had had with the Oakland County Treasurer's Office, Delinquent Tax Supervisor, Christie Howard. Ms. Lancaster provided me with Ms. Howard's phone number and I had contact with Laura Schmidt in the Delinquent Tax Office. Ms. Schmidt advised me that the County could not and would not advise a municipality on this issue as it was up to the City of Troy (and not the County) to make a determination regarding the water and sewer charges to the prior Owner. Therefore, the "ball is back in your court".

On behalf of my client I have done extensive research and I have determined that the City of Detroit assigns an employee to cancel water and sewer bills after foreclosure sales. That is a single employee dedicated to this sole task.

EXHIBIT     F    

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Indeed, my research has disclosed a very recent Attorney General Opinion, dated May 6, 2011, Opinion No. 7258, that is right on point with this scenario. In this Opinion, Bill Schuette, Attorney General, analyzes municipality arguments and contrasts them with the provisions of the General Property Tax Act and specifically unpaid water and sewer charges. Delinquent Property Taxes are subject to forfeiture and foreclosure under Section 78 through 78(o) of the GPTA, MCL 211.78-211.78(o). I am attaching a copy of that Attorney General Opinion to this correspondence for your ready reference. My client's scenario with the City of Troy is exactly the same as the scenario described in this Attorney General Opinion, except that (up to this point) the water and sewer utility has not been disconnected or refused by the City of Troy. However, the analysis by Attorney General Schuette is otherwise applicable to our facts. Specifically, MCL 211.78(k)(5) provides that all liens against the Property and other interests in the Property are cancelled when the tax delinquent Property is foreclosed. In fact, the Circuit Court Judgment of Foreclosure contains these exact provisions at Paragraphs (c) and (d). Moreover, Attorney General Schuette speaks specifically about MCL 211.78(m)(13), now 211.78(m)(12) as extinguishing all water and sewer charges through December 31<sup>st</sup> of the year of foreclosure, e.g., December 31, 2014.

When I left the Troy City Offices on January 13, 2015, I was told that the water and sewer charges had been transferred to the tax rolls for this Property. Therefore, it appears that the City of Troy is insisting on the recovery of the water and sewer charges against the former owner from my client, the tax foreclosure purchaser. The referenced statutes do not permit the City of Troy to seek recovery of these water and sewer charges in this fashion. Please be advised that we are prepared to seek Declaratory Relief and/or Writ of Mandamus from the Oakland County Circuit Court if I do not receive written confirmation that all water and sewer charges against this Property have been extinguished and deleted from the City of Troy tax rolls within ten (10) days of the date of this correspondence. I anticipate your prompt response.

Respectfully,



Robert J. Sacco

RJC/kel  
Enclosures

Cc: Simon Dandu (w/encl.)

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>2. Print your name and address on the reverse so that we can return the card to you.</p> <p>3. Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee  <i>X. Diane Newman</i></p>
<p>1. Article Addressed to:          CITY OF TROY TREASURER'S OFFICE          500 W. BIG BEAVER ROAD          TROY, MI 48064</p>	<p>B. Received by (Printed Name) <i>IRENE NEWMAN</i></p> <p>C. Date of Delivery <i>5/20/15</i></p>
	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          If YES, enter delivery address below:</p>
<p>2. Article Number          (Transfer from service label)</p>	<p>E. Service Type  <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>
<p>PS Form 3811, July 2013</p>	<p>4. Restricted Delivery? (One Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>7014 2120 0003 6900 0912          Domestic Return Receipt</p>

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

7014 2120 0003 6900 0912

Mail to  
 City of Troy Treasurer's Office  
 500 W. Big Beaver Road  
 Troy, MI 48064

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p><input checked="" type="checkbox"/> Complete Steps 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee  <i>X Irene Newman</i></p>
<p>1. Article Addressed to:                  SUSAN LANCASTER                  ASSISTANT CITY ATTORNEY                  500 W. BIG BEAVER RD.                  TROY, MI 48064</p>	<p>B. Received by (Printed Name):  <i>IRENE NEWMAN</i></p> <p>C. Date of Delivery  <i>5/20/15</i></p> <p>D. Is delivery address different from item 1?  <input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No                  If YES, enter delivery address below:</p>
<p>2. Article Number                  (Transfer from service label)</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail®  <input type="checkbox"/> Registered  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee)  <input type="checkbox"/> Yes</p>
<p>7014 2120 0003 6900 0429</p> <p>PS Form 3811, July 2013 Domestic Return Receipt</p>	

U.S. Postal Service  
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**OFFICIAL USE**

Postage	
Certified Fee	
Return Receipt Fee (Enclosure Not Required)	
Restricted Delivery Fee (Enclosure Not Required)	
Total Package & Fees	\$

Postmark  
 Date

Sent to  
*Susan Lancaster - Assistant City Attorney*  
 or PO Box No. *500 W. Big Beaver Bl.*  
 Troy, MI 48064

7014 2120 0003 6900 0429



## CITY COUNCIL AGENDA ITEM

TO: Members of the Troy City Council  
FROM: Lori Grigg Bluhm, City Attorney *LGB*  
DATE: June 16, 2015  
SUBJECT: Ledell Hammond v. City of Troy, et al. Lawsuit

---

Ledell Hammond filed the attached lawsuit against the City and individual Troy police officers and A & M towing, Oakland County individuals, and Michigan Secretary of State Ruth Johnson. Mr. Hammond's 2005 Grand Prix was seized in August 2014, as part of an on-going armed robbery investigation. The car was taken to our towing contractor, A & M Towing, and a police hold was put on the vehicle since it was evidence and/or an instrumentality of the armed robbery. Mr. Hammond was not officially charged with armed robbery, but as a result of the police investigation, he pled guilty to the charge of hinder and obstruct police officers and driving without a valid license. His passenger was charged with armed robbery, and was recently convicted of the felony charge, and a third associate was also charged and convicted of the armed robbery at the Troy Walmart store. These two armed robbery convictions are now being appealed in the Michigan Court of Appeals.

A short time after the armed robbery convictions, the Troy police department released the police hold on the Plaintiff's vehicle. He was informed of the release on May 4, 2015. However, before he could pick up the vehicle, he needed to pay to A & M the accrued storage fees of \$15 per day. Plaintiff then attempted to challenge the towing fees by filing a petition with the 52-4 District Court. The Court rejected the filing as untimely, since any such petition needed to be filed within 20 days, and Plaintiff's petitions were not timely submitted. Plaintiff has included Oakland County as a defendant in this lawsuit, based on the rejection of this petition.

Plaintiff has not yet paid the storage fees to A & M, and the accrued storage fees exceed the Kelley's bluebook value of Plaintiff's 2005 car. On May 31, 2015, the police department reported the abandonment of the car to the Secretary of State, who is also a named defendant in this lawsuit. This step allows A & M to auction off an abandoned vehicle in an attempt to recoup some of the unpaid storage charges. Plaintiff has also named A & M as a defendant in this lawsuit.

Plaintiff filed this lawsuit in the U.S. District Court, and it has been assigned to Judge Paul D. Borman. In his lawsuit, he claims negligence and an alleged 4<sup>th</sup> Amendment violation. He asks for the release of the vehicle, plus punitive damages. He also argues that the Court, A & M, and the City conspired to commit a RICO violation, entitling him to treble damages. He has also filed an emergency motion, seeking an order prohibiting the auction of the Grand Prix automobile.

**PROPOSED RESOLUTION:**

**RESOLVED**, that the City Attorney is hereby authorized and directed to represent the City of Troy and the Troy Police Department in any and all claims and damages in the matter of *Ledell Hammond v. City of Troy, et al.* (Case No. 2:15-cv-12051). The City Attorney is also authorized to pay necessary costs and fees in the defense of the action.

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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

LEDELL HAMMOND, In Propria Prosona,  
  
Plaintiff(s),  
  
v.  
  
CITY OF TROY, a municipal corporation  
and TROY POLICE DEPARTMENT and  
52-4 DISTRICT COURT, a government  
entity; A & M SERVICE CENTER &  
TOWING, a municipal contractor  
corporation and Ruth Johnson; Secretary of  
State,  
  
Jointly and severally,  
  
Defendant(s).

**Case No. 2:15-cv-12051  
Judge: Borman, Paul D**

**COMPLAINT FOR EQUITABLE  
DAMAGES, PUNITIVE  
DAMAGES, AND REQUEST FOR  
INJUNCTIVE RELIEF**

**JURY TRIAL DEMANDED**

**Date Action filed: June 5, 2015**

**VERIFIED COMPLAINT/INJUNCTIVE RELIEF**

**Preliminary Statement**

This is a Federal Question in which the Plaintiff, LeDell Hammond seeks relief for the Defendant(s) violations of his rights secured by Title 42 U.S.C. 1983, by the United States Constitution, including but not limited to The Fourth, Fifth and Fourteenth Amendments, and by the laws and Constitution of The State of Michigan. Plaintiff seek exemplary, compensatory, reimbursements and punitive damages, an award of costs, interest, and litigation fees and further relief as this Honorable Court deems just and necessary. There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in the Complaint pending in this Court.

**NOW COMES** Plaintiff, LeDell Raymon Hammond acting Sui Juris, In Propria Persona, and without the benefit of counsel and moves this complaint against said Defendant(s) above named. Plaintiff hereby states as follows:

**I. JURISDICTION AND VENUE**

1. This Court has jurisdiction pursuant to the following statutes:
  - a. 28 U.S.C. § 1331, which gives district courts original jurisdiction over

1 civil actions arising under the Constitution, laws or treaties of the United States;

2 b. 28 U.S.C. §1367, Which gives the district court supplemental  
3 Jurisdiction over state claims.

4 2. Jurisdiction is conferred upon this Court by 28 U.S.C 1331 and 1343 this being an  
5 action seeking redress for violation of Plaintiff's constitutional rights.

6 3. Venue is appropriate in this judicial district under 28 U.S.C. §1391(b) because  
7 the events that gave rise to this Complaint occurred in this district. Therefore, jurisdiction of  
8 this court is proper.  
9

## 10 II. PARTIES

11 4. Plaintiff is a citizen of the United States and resides in the County of  
12 Wayne, in the State of Michigan, which is in this judicial district.

13 5. Defendant, CITY OF TROY, a municipal corporation is a Public entity in the County  
14 of Oakland . As such had an obligation, Constitution duty and Oath to protect and maintain  
15 individual rights.  
16

17 6. Defendant, TROY POLICE DEPARTMENT, a municipal corporation in the County of  
18 Oakland without the enjoyment of immunity. As such had an obligation, Constitution duty  
19 and Oath to protect and maintain individual rights.  
20

21 7. Defendant, 52-4 DISTRICT COURT , a government entity in the County of Oakland  
22 without the enjoyment of immunity. As such had an obligation, Constitution duty and  
23 Oath to protect and maintain individual rights.  
24

25 8. Defendant, A & M SERVICE CENTER & TOWING, a municipal contractor  
26 corporation in the County of Oakland.  
27

28

1 9. Defendant, Ruth Johnson; Secretary of State is being sued in her Official capacity as a  
2 Public citizen for a State Corporation . As such She had an obligation, Constitution duty  
3 and Oath to protect and maintain individual rights.

4 Defendant(s) are both employed by public entities, for the purposes of  
5 Maintaining and protecting individual rights of The Federal and State Constitution(s).  
6

#### 7 I. COMPLAINT

8 10. This complaint seeks equitable and injunctive relief for Private Property secured by  
9 Title 42 U.S.C. 1983, by the United States Constitution, including but not limited to The  
10 Fourth, Fifth and Fourteenth Amendments, and by the laws and Constitution of The State of  
11 Michigan, resulting in deprivation of rights and property . This complaint additionally seeks  
12 damages for liability and failure to Comply with MCL 257.252 . Finally, this complaint seeks  
13 treble and punitive damages for fraud and conspiracy in violation of the Racketeer Influenced  
14 and Corrupt Organizations Act (RICO), 18 U.S.C. (sec) 1962 for Defendants' collective and  
15 organized concealment of private property from Plaintiffs, resulting in loss and damages of  
16 Private property.  
17

#### 18 II. FACTUAL ALLEGATIONS

19 11. On or about August 14, 2014, Defendant, "TROY POLICE DEPARTMENT" through  
20 there contractor A & M SERVICE CENTER & TOWING, Search and seized Plaintiff's "2005  
21 Black Grand Prix VIN 2G2WP522751274779" illegally and without warrant. In addition  
22 Defendant " TROY POLICE DEPARTMENT" place a hold on said vehicle pursuant to Police  
23 Order which Plaintiff have not been served to date. In result of towing and Police hold,  
24 unreasonable towing fees has occurred over 4,000.00 dollars . On May 10, 2015 after multiple  
25 attempts to contact Troy Police to obtain vehicle, Plaintiff received a voicemail from Detective  
26 Shooler of Troy Police Department Stating that hold had been released as of May 4, 2015.  
27  
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1 Plaintiff then was told by A &M towing that fees had to be paid in order to release vehicle in  
 2 the amount of 4,000.00. Defendant " A &M towing then refused to issue a itemized bill and /or  
 3 no bill of particles at all. On May 26, 2015, Plaintiff fax and delivered letter of intent and  
 4 demand for property. In addition on May 28, 2015, Plaintiff filed a petition with 52-4 District  
 5 pursuant to MCL 257.252f to contest storage fees. Defendant "52-4 DISTRICT COURT"  
 6 erroneously rejected petition stating " Petition can only be filed 20 days after receiving notice of  
 7 abandonment from secretary of State" pursuant to MCL 257.252f , even though Plaintiff  
 8 declared he never received any notice because the vehicle was on police hold.  
 9

### 10 FIRST CAUSE OF ACTION

#### 11 Negligence

12 12. Defendant "52-4 District Court" erroneously rejected petition without merit and  
 13 contrary to the intent of MCL 257.252f . In result causing Plaintiff to default on obtaining  
 14 unlawfully sized property.  
 15

16 13.. Defendant "Troy Police Department" had a duty to release vehicle which was in  
 17 there custody because defendant failed to obtain a warrant contrary to Law.  
 18

19 14. All Defendants breached their respective duties to the Troy Community and to  
 20 Plaintiff. As a result, Plaintiffs have suffered damages indicated above.  
 21

### 22 SECOND CAUSE OF ACTION

#### 23 Violation of 4th amendment

24 15. Plaintiff adopts by reference the preceding paragraphs.  
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**THIRD CAUSE OF ACTION**

**Punitive Damages**

16. The conduct of Defendants described above is outrageous. Defendants' conduct demonstrates a reckless disregard of Law and procedure and a conscious disregard for public interest. The acts and omissions described above were willful and performed with actual or implied malice. Punitive and exemplary damages are therefore appropriate and should be imposed in this instance.

**V. PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully pray for a judgment against Defendants for:

1. Injunctive and equitable relief as the Court deems appropriate including:

Requiring Defendant return said vehicle to plaintiff;

Requiring Defendant to follow comply with MCL 257.252f and 4th amendment of the U.S constitution;

2. Compensatory damages to be paid by all Defendants, according to proof at trial;

3. Punitive damages as the court deems appropriate;

4. Costs and attorneys fees of this lawsuit, with interest;

5. Any other relief as the court deems appropriate.

**/s/ LaDell Hammond**  
9316 Sarasota  
Redford, Michigan 48239  
Phone: 985.218.0095

DATED: JUNE 5, 2015



## CITY COUNCIL AGENDA ITEM

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Date: June 15, 2015

To: Brian Kischnick, City Manager

From: Jeanette Menig, Human Resources Director

Subject: Exempt Classification Plan Update

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### **History**

The Classification Plans for Classified and Exempt jobs were last updated in 2014. At that time there were significant updates needed as a result of organizational changes that took place over the preceding years.

### **Recommendation**

Attached are recommended updates to the Exempt Classification Plan. There are no changes needed to the Classification Plan for Classified jobs at this time.

Changes to the Exempt Classification Plan include: corrections due to accidental omission of two positions in the 2014 Classification Plan, three job title changes, the consolidation of two positions, the addition of one position and the removal of two positions from the Classification Plan.

These changes will update our plan to reflect the current organization and position titles.

City of Troy  
Classification Plan - Exempt Positions

July 1, 2015  
~~July 1, 2014~~

**Pay Grade 4**

Asst to City Manager ~~for Continuous Improvement~~  
Circulation Supervisor  
Management Analyst

**Pay Grade 5**

Application Support Specialist  
Buyer  
Data Processing Analyst/Programmer  
Emergency ~~Operations Planner~~ **Management Specialist**  
Human Resources Coordinator  
Land Surveyor  
Lead PC Specialist  
Librarian II  
Marketing Coordinator  
Police Analyst/Planner  
Police Analyst/Programmer  
Police Records Supervisor  
**Project Manager**  
Recreation Supervisor  
Technology Specialist

**Pay Grade 6**

**Assistant Library Director** (*accidentally omitted in 2014*)  
**Assistant Recreation Director** (*accidentally omitted in 2014*)  
Civil Engineer  
GIS Administrator  
Network Administrator  
Project Construction Manager  
Research & Technology Administrator  
Zoning & Compliance Specialist

**Pay Grade 7**

Accounting Manager  
~~Attorney I~~  
~~Attorney II~~ **Assistant City Attorney**  
City Treasurer  
Deputy City Assessor  
Deputy City Engineer  
Economic Development Specialist  
Public Works Manager  
Purchasing Manager  
Sr Right of Way Representative  
Superintendent of Fleet Maintenance  
Superintendent of Water & Sewer Maintenance

**Pay Grade 8**

Building Operations Director  
City Clerk  
Community Affairs Director  
Recreation Director

**Pay Grade 9**

City Assessor  
City Engineer  
Fire Chief  
Human Resources Director  
Information Technology Director  
Library Director  
Planning Director

**Pay Grade 10**

Police Chief  
Public Works Director

**Pay Grade 11**

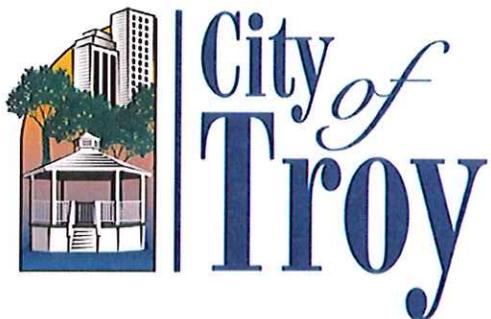
~~City Attorney~~

**Pay Grade 12**

Director of Financial Services  
Economic & Comm Development Director

**Pay Grade 15**

~~City Manager~~



**Minutes**

**Retiree Healthcare Benefits Plan  
& Trust  
Board Meeting**

**February 11, 2015 at 1:30 PM  
City Council Board Room**

**Troy City Hall  
500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3330**

A meeting of the Retiree Healthcare Benefit & Trust Board of Trustees was held on **February 11, 2015** at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 2:47 p.m.

**Trustees Present:**

Mark Calice  
Thomas Darling, CPA  
Steve Pallotta  
Thomas J. Gordon, II  
Milton Stansbury

**Trustees Absent:**

William R. Need (Ex-Officio)  
Dave Henderson  
Brian Kischnick

**Also Present:**

Kathy Kostopoulos

**Minutes:**

---

**Resolution # ER – 2015-02-01**

Moved by: Pallotta  
Seconded by: Stansbury

RESOLVED, The Minutes of the November 12, 2014 meeting be approved.

Yeas: 5  
Absent: 2

**Regular Business:**

---

- Gabriel Roeder Smith & Company (GRS) - Actuarial Valuation Other Post-Employment Benefits for the City of Troy

The System Administrator added the above item to the agenda and provided an engagement letter on the scope of services, work plan and fee of \$18,600 for the continued use of GRS for the City of Troy Other Post Employment Benefits Plan as of December 31, 2014. This is a 2.7% increase from the 2012 valuation of \$18,100. GRS will use the same actuarial assumptions as the prior valuation including a 6.5% return on investments and incorporate the most current up to date mortality table available for Government Entities.

**Resolution # ER – 2015-02-02**

Moved by: Pallotta  
Seconded by: Gordon

RESOLVED, The Engagement Letter be accepted by GRS for the Actuarial Valuation of Other Post-Employment Benefits for City of Troy as of December 31, 2014.

Yeas: 5  
Absent: 2

**Investments:**

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- UBS Financial Services Presentation
  - Investment Review
    - Retiree Health Care Benefits Plan and Trust Portfolio Review February 2015

UBS reviewed the Portfolio Management Report. Mr. McBride reviewed pages 3 & 4, illustrating the Time Weighted Rates of Return, April 30, 2014 thru December 31, 2014. Total Portfolio figures: 3.25% latest quarter; 4.99% since inception. Comparison also shown with 70% S&P 500/30%BGC; 4.06% latest quarter; 8.58% since inception and 70% MSCI Wld/30%BGC; 1.38% latest quarter; 3.06% since inception.

Asset allocation as of December 31, 2014 was discussed and reviewed pages 9 – 11. Illustrating overall equities of 75%. Ms. Sorensen felt that the current allocation mix is at a desired comfort level and recommends retaining as is with no changes.

Asset allocation as of January 31, 2015 was also reviewed on page 2. Chairman Calice questioned Mr. McBride regarding a more aggressive approach using less Large Cap and perhaps using Mid Cap equities. In addition, Mr. Pallotta asked about the international allocations. Mr. McBride felt the current allocation is sufficient for this fund and did not recommend more or changes.

Chairman Calice questioned Ms. Sorensen as to how often money is received for investing in the fund and approximately what the current funding level is. The system Administrator responded that funding from the City typically takes place at the beginning of the calendar year and the system is 59% funded as of 12/31/2012 (last valuation).

**Other Business:**

None

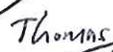
**Public Comment:**

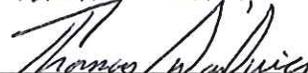
None

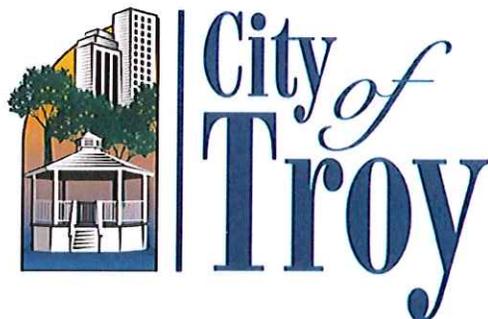
The next meeting is Wednesday, May 13, 2015 at 1:30 p.m. at Troy City Hall, Council Board Conference Room, 500 W Big Beaver Rd, Troy, MI 48084.

The meeting adjourned at 3:07p.m.

  
\_\_\_\_\_  
Mark Calice, Chairman

  
Thomas Gordon, Vice Chairman

  
\_\_\_\_\_  
Thomas Darling, Pension Administrator



**Minutes**

**Employees' Retirement System  
Board Meeting**

**March 11, 2015 at 12:00 PM  
City Council Board Room**

**Troy City Hall  
500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3330**

A meeting of the Employees' Retirement System Board of Trustees was held on **March 11, 2015** at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:07 p.m.

**Trustees Present:**

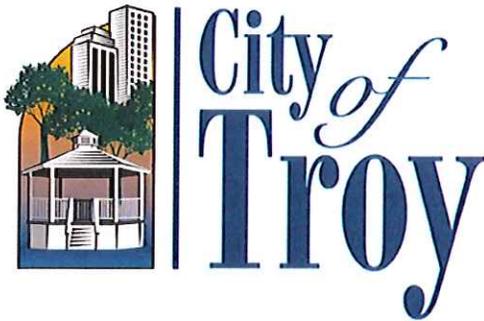
Mark Calice  
Brian Kischnick (arrived 12:30 pm)  
Thomas Darling, CPA  
Steve Pallotta  
Thomas J. Gordon, II  
Milton Stansbury  
Dave Henderson

**Trustees Absent:**

William R. Need (Ex-Officio)

**Also Present:**

Kathy Kostopoulos



**Minutes**

**Employees' Retirement System  
Board Meeting**

**March 11, 2015 at 12:00 PM  
City Council Board Room**

**Troy City Hall  
500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3330**

Minutes:

**Resolution # ER – 2015-03-11**

Moved by: Pallotta  
Seconded by: Stansbury

RESOLVED, The Minutes of the February 11, 2015 meeting be approved.

Yeas: 6

Absent: 1 (Brian Kischnick) (did not arrive until 12:30 pm)

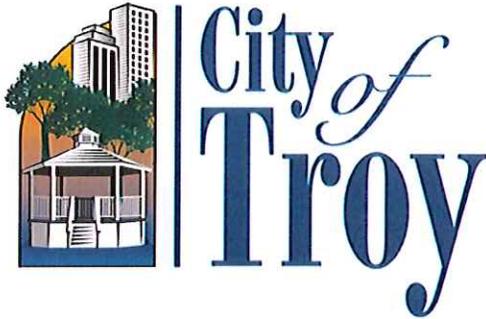
Retirement Requests:

None

Regular Business:

- Review ERS System Statement of Revenues and Expenses for the Six Months Ended December 31, 2014

The ERS Board of Trustees reviewed the Statement of Revenues and Expenses for 7-1-2014 through 12-31-14. Mr. Pallotta asked for clarification of various line items contained in the expense section of the statement pertaining to professional services, interest and option income. The System Administrator provided clarification and illustrated that expenses were in line with expectations and comparable with the prior year.



**Minutes**

**Employees' Retirement System  
Board Meeting**

**March 11, 2015 at 12:00 PM  
City Council Board Room**

**Troy City Hall  
500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3330**

**Investments:**

- Graystone Consulting Presentation - Investment Review - Morgan Stanley Performance Report - February 2015 Investment Results:

Present from Graystone Consulting were Mr. Robert Alati, Mr. Brian Green and Mr. Michael Holycross. Mr. Green reviewed the City of Troy's Wealth Management Performance, The Weighted Summary, pg. 4., stating that the market was kind to investors in February of 2015, however not so, during January 2015 thus yielding a 2.83% return for the Quarter to date (Jan. – Feb. 2015. Also, noting the corresponding MSCI EAFE index of 6.5 %. Chairman Calice questioned and further discussed Graystone's illustration of the inception date 2/22/08. Mr. Green shared that his system eliminates the ability to choose a start date. Mr. Holycross suggested that the focus should be on month-to-date, year-to-date and quarter-to-date in order to eliminate confusion.

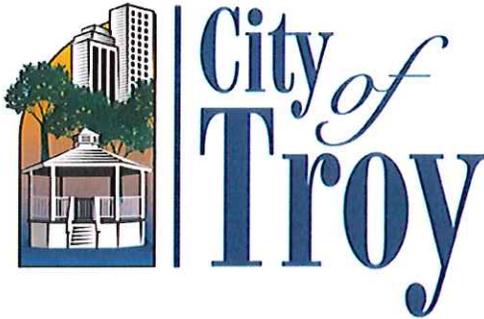
City Manager, Brian Kischnick joined the meeting at 12:30p.m.

Chairman Calice questioned Mr. Alati's current role with Graystone Consulting. Mr. Alati stated that he oversees the managers and monitors their fund performance. He also confirmed to Chairman Calice that he is compensated for this oversight role and has been in the business for 53 years.

Mr. Green commented that March 2015 performance reports will be delivered for the next meeting however they will not be able to send a representative to the March board meeting due to conflicts in their schedule.

- UBS Financial Services Presentation Investment Review - City of Troy Employees Retirement Systems Defined Benefit and NAIC:

Presenting from UBS were Ms. Sorensen and Mr. McBride, reviewing the February Performance Report. Mr. McBride felt that February 2015 was a strong month and



**Minutes**

**Employees' Retirement System  
Board Meeting**

**March 11, 2015 at 12:00 PM  
City Council Board Room**

**Troy City Hall  
500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3330**

January 2015 was weak. Even with the recent volatility we are still on target. Ms. Sorensen discussed and reiterated the February 2015 Update. Stating that as of February 19, 2015, the broad global equity market is up 3.2%. U.S. Equities overall are up 2.5%, with Large Cap Growth up 4.3%, once again outperforming Large Cap Value, up .06% year-to-date. Mid Cap Stocks are up 3.6%, International Developed markets are up 5.2%, and Emerging Markets are up 3.2%. Each of the major U.S. indices has reached either its all-time high or a post crisis high. We still believe that equities continue to be positioned to outperform and while fairly valued, they are not overvalued. U.S. Fixed income is positive year-to-date, as is emerging market debt. International Developed fixed income is negative as of February 19, 2015. We continue to prefer corporate bonds to government debt. We are evaluating in-depth the stock holdings of the ERS, including market cap, style and sector analysis. This will be available for review at the ERS meeting in April.

UBS and the Board of Trustee's reviewed the UBS Focus List pg. 12, Chairman Calice initiated a discussion on consumer staples and suggested - WhiteWave Foods be considered as a purchase. City Manager Brian Kischnick requested we review our current consumer staple holdings, UBS and the Board of Trustees determined that it would be a good recommendation to add WhiteWave Foods to the current holdings.

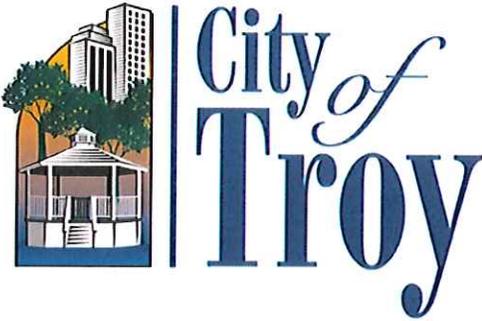
- Recommendations
  - WWAV - WhiteWave Foods Consumer Staples 5,000 shares

**Resolution # ER – 2015-03-12**

Moved by: Calice  
Seconded by: Stansbury

RESOLVED, The purchase of 5000 shares WWAV - WhiteWave Foods – from consumer staples sector be approved.

Yeas: 7  
Absent: 0



**Minutes**

**Employees' Retirement System  
Board Meeting**

**March 11, 2015 at 12:00 PM  
City Council Board Room**

**Troy City Hall  
500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3330**

**Other Business:**

None

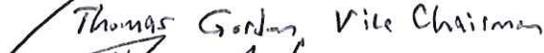
**Public Comment:**

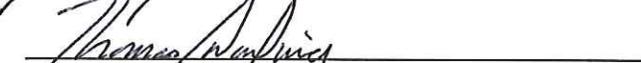
None

- The next meeting is Wednesday, April 8, 2015 at 12:00 p.m. at Troy City Hall, Council Board Conference Room, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 1:13 p.m.

  
\_\_\_\_\_  
Mark Galice, Chairman

  
Thomas Gordon, Vice Chairman

  
\_\_\_\_\_  
Thomas Darling, Pension Administrator

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on May 6, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair  
Gary Abitheira  
Michael Morris  
Andrew Schuster

Absent:

Brian Kischnick

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector  
Kathy L. Czarnecki, Recording Secretary

Also Present:

Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

2. APPROVAL OF MINUTES

Moved by: Schuster  
Support by: Abitheira

**RESOLVED**, To approve the minutes of the April 1, 2015 Regular meeting as submitted.

Yes: All present (4)  
Absent: Kischnick

**MOTION CARRIED**

3. HEARING OF CASES

A. **VARIANCE REQUEST, JUSTIN L. CAMILLERI, 5231 ABINGTON** – This property is a double front corner lot. As such it has a 30 foot required front setback along both Abington and Church Hill. The petitioner is requesting a variance to install a 5-foot high non-obscuring vinyl fence set back 18 feet from the property line along Church Hill where City Code limits fences to 30 inches high. This variance request was an item on last month’s April 1, 2015 meeting. The owner, Mr. Camilleri requested to postpone this item until the May 6 meeting so he could address concerns with his neighbors. The Board granted the motion for postponement.

Mr. Grusnick reviewed the variance request.

Mr. Camilleri said he and his neighbors reached an agreement on the height and style of the fence. He asked the Board to grant the variance for a 4 foot high non-obscuring vinyl fence. Mr. Camilleri presented a written letter of support from neighbors Barbara and Jack Wright of 5255 Church Hill and indicated a few neighbors are present in the audience in support of the variance request.

Chair Dziurman opened the floor for public comment.

The following persons spoke in support of the variance request.

- Mark Nicholson, 5272 Church Hill
- Lawrence Slimak, 5303 Church Hill

Mr. Grusnick identified the following persons who spoke at the April 1, 2015 meeting and asked if they were present:

- Erika Resh, 5320 Church Hill (not present)
- Barbara Wright, 5255 Church Hill (not present, written comment in support)
- John Poholsky, 5279 Church Hill (not present)

Chair Dziurman closed the floor.

Moved by: Abitheira  
 Support by: Morris

**RESOLVED**, To grant the request for a 4-foot high non-obscuring vinyl fence set back 18 feet from the property line along Church Hill, based on the following reason:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83.

Yes: All present (4)  
 Absent: Kischnick

**MOTION CARRIED**

- B. **VARIANCE REQUEST, JOE GLASER OF LOWES, 3971 ESTATES** – This property is a double front corner lot. The Board of Zoning Appeals granted a variance in 2002 establishing a 32 foot front setback requirement along W. Wattles. The petitioner is requesting a variance to install a 6 foot high vinyl privacy fence set back 4 feet from the property line along W. Wattles where City Code limits fences to 30 inches high.

Mr. Grusnick reviewed the variance request. He reported the department received three written responses to the public hearing notices; two comments were from the same person in opposition; one comment in support.

Joe Glaser of Lowes addressed the proposed location of the fence and the fence style and quality.

Robert Bellini stated the primary purpose to install the fence is for the safety of his two young children. He indicated he discussed his plans with two of his neighbors, to the west and to the south, and neither neighbor voiced objection.

There was discussion on:

- Proposed location of fence; inside existing hedgerow, 4 feet inside sidewalk.
- Angling of fence to provide clearance of any visual obstruction.
- Public hearing responses; relationship to variance request.
- Existing fences in the neighborhood.
- Setback variance granted in 2002 for sunroom addition.

Chair Dziurman opened the floor for public comment. There was no one present who wished to speak; the floor was closed.

Moved by: Abitheira

Support by: Schuster

**RESOLVED**, To grant the request for a 6 foot high vinyl privacy fence set back 4 feet from the property line along W. Wattles, with the condition of providing a triangular corner clearance starting at the northwest corner measuring 25 feet south and 25 feet east, based on the following reason:

1. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

Yes: All present (4)

Absent: Kischnick

### **MOTION CARRIED**

Mr. Glaser provided a brochure of the fence to be installed. He said he would resubmit plans showing the corner clearance.

- C. **VARIANCE REQUEST, BAISHALI DEB, 42249 DEQUINDRE** – A variance to install a 4 foot high 12 foot long steel gate and 14 linear feet of 4 foot high aluminum fence in the front yard. The fence and gate are proposed to be set back 13 feet from the Dequindre Road public sidewalk. City Code limits the height of fences in front yards to 30 inches. A similar variance request was an item on last month's April 1, 2015 meeting. During the meeting Mr. Deb realized his request was for a gate only with no additional fencing and withdrew his variance request.

Mr. Grusnick reviewed the variance request. He reported the department received no responses to the public hearing notices.

Mr. Deb said the gate and fence would provide protection from the busy Dequindre Road for his two young children.

There was discussion on:

- Setback allowance for future widening of Dequindre.

Chair Dziurman opened the floor for public comment. There was no one present who wished to speak; the floor was closed.

Moved by: Abitheira

Support by: Morris

**RESOLVED**, To grant the request, based on the following reason:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83.

Yes: All present (4)

Absent: Kischnick

**MOTION CARRIED**

**D. VARIANCE REQUEST, RANDY HUYCK OF ACTION FENCE, 1804 WOODGATE**

– This property is a double front corner lot. As such it has a 25 foot required front setback along both Woodgate and Crestline. The petitioner is requesting a variance to install a 4 foot high non-obscuring chain link fence along the Crestline property line where City Code limits fences to 30 inches high.

Mr. Grusnick reviewed the variance request. He reported the department received two written responses to the public hearing notices in opposition of the proposed variance.

Tony and Meggan Iacona were present. They addressed:

- Reason for fence; safety for children.
- Location of fence; utilize as much property for back yard.
- Contact with adjoining property owner (1809 Crestline); no objection voiced.
- No traffic control sign at the intersection.

There was discussion on:

- Public hearing responses; relationship to variance request.
- Location of proposed fence along property line.

Chair Dziurman opened the floor for public comment.

Norm Langevin of 1769 Woodgate, confirmed specifics about the variance request. He voiced no objection.

Chair Dziurman closed the floor.

Mr. Iacona asked to postpone the variance request so concerns of the neighbors could be addressed.

Moved by: Morris  
Support by: Schuster

**RESOLVED**, To postpone the item at the request of the applicant to the June 3, 2015 meeting.

Yes: All present (4)  
Absent: Kischnick

**MOTION CARRIED**

Mr. Grusnick announced there would be no public notices mailed on this postponed item for the June 3<sup>rd</sup> meeting.

- E. **VARIANCE REQUEST, DANIEL HEILEMAN OF HEILEMAN SIGNS, 1821 MAPLELAWN** – A variance to the Sign Code to allow a 24.1 foot tall, 129.5 square foot ground sign to be set back 17 feet from the front property line. The Sign Code requires the sign to be set back at least 30 feet from the front property line.

*Item pulled from agenda because it was incorrectly publicized. The item will be re-publicized and scheduled for the June 3, 2015 meeting.*

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

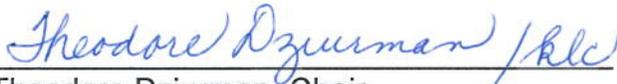
6. MISCELLANEOUS BUSINESS

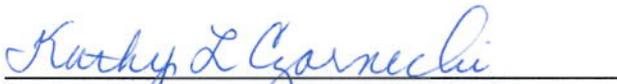
None.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 4:06 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Theodore Dziurman, Chair

  
\_\_\_\_\_  
Kathy L. Czarnecki, Recording Secretary

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**EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES MINUTES – Final– May 13, 2015**



**Minutes**

**Employees' Retirement System  
Board Meeting**

**May 13, 2015 at 12:00 PM  
City Council Board Room**

**Troy City Hall  
500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3330**

A meeting of the Employees' Retirement System Board of Trustees was held on **May 13, 2015** at Troy City Hall, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting was called to order at 12:00 p.m.

**Trustees Present:**

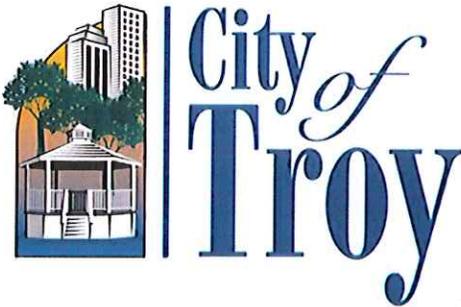
Thomas J. Gordon, II – Acting Vice Chair  
Steve Pallotta  
Brian Kischnick  
Milton Stansbury  
Dave Henderson

**Trustees Absent:**

Thomas Darling, CPA  
Mark Calice - Chairman  
William R. Need (Ex-Officio)

**Also Present:**

Kathy Kostopoulos



**Minutes**

**Employees' Retirement System  
Board Meeting**

**May 13, 2015 at 12:00 PM  
City Council Board Room**

**Troy City Hall  
500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3330**

Minutes:

**Resolution # ER – 2015-05-13**

Moved by: Brian Kischnick  
Seconded by: Steve Pallotta

RESOLVED, The Minutes of the March 11, 2015 meeting be approved.

Yeas: 5  
Absent: 2

Retirement Requests:

None

Investments:

- Graystone Consulting Services Presentation

Mr. Brian Green and Mr. Mike Holycross from Graystone, presented the 1st Quarter Performance Report, (pg. 38/428 pdf file). Shown were the combined assets of Morgan Stanley, UBS and assets managed by the board. Noted was the differences of the combined account and policy index. The 1<sup>st</sup> Qtr. 2015 was at 2.04% and the policy index 2.07% which is in line with investment policy statements. The "5 Yr. Trailing" column was used for illustration, the period March 2010 – March of 2015, comparing the 9.56% gain and actual dollar amounts. The cumulative net flow (\$50,467,977) was noted as the total pension pays, offset by employer contributions with an average net negative of approximately (\$10,000) per year. Clarification was requested from City Manager Brian Kischnick on Investment Income and what is included in the 9.56% increase of \$88,042,918. Brian Green clarified that it includes dividends, interest and price appreciation and that there are no cash inflows included. Mr. Kischnick also asked if the table had been used prior in other meetings, and stated that it was a great table for illustration purposes as it tells the whole story. Rebecca Sorensen of UBS agreed and stated they have used it in the past. Also reviewed was the Asset Class Manager Performance, Morgan



**Minutes**

**Employees' Retirement System  
Board Meeting**

**May 13, 2015 at 12:00 PM  
City Council Board Room**

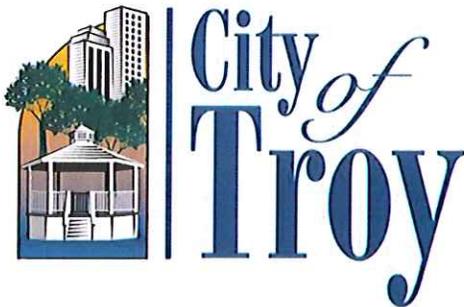
**Troy City Hall  
500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3330**

Stanley/Graystone Report (pg. 41/428 of pdf), it was noted that no significant changes have occurred. The Graystone Portfolio was then referred to, Mr. Green felt it was overweight on stocks vs bonds and underweight on real estate allocations. He indicated that this was helpful in April - May 2015 as publically traded reits have traded off. At the bottom of (pg. 40/428 of pdf) the asset managers were listed and it was noted that 8/10 active managers outperformed. He stated Global Equities; Delaware and Hamlin had great performance although Winslow was a miss for the quarter. Earlier in quarter Graystone reduced Vanguard Total Market 4% and reallocated to TSW (small to midcap sector). Overall Mr. Green stated it was a great quarter and energy stocks are now rallying. Steve Pallotta requested Mr. Green's feedback on the International sector and the US dollar. He stated it was currently "bullish" within Europe and Japan. The bigger concern would be upon "exit" which is the unknown and a strong dollar would hurt.

- **UBS Financial Services Presentation**

Rebecca Sorensen of UBS reviewed the stock holdings of the City of Troy Employees Retirement Systems Defined Benefit and NAIC April 2015 Portfolio. The board decided that content reviewed today at the current meeting will be revisited again next month.

NAIC continues to perform well overall holdings are up 4%, NAIC outperformed their Large Cap Managers. In regards to the ERS portion, Ms. Sorensen noted that back in 2008 – 2009, the Banking/Financial sector was not of interest due to the market conditions at that time and the board may want to revisit looking at this sector in the future. Mr. McBride stated that The City of Troy is 12.5% off the benchmark currently, and the Board agreed it should be reviewed. Mr. Pallotta asked UBS about McDonalds as an investment option, however Ms. Sorensen rejected the investment at this time. Mutual Fund categories were reviewed and Mr. McBride, stated that Consumer Discretionary is only overweight by 2.8%. Next reviewed were the Suggested Buys & Sells, Small Positions (pg. 113/428 of pdf shown below.)



**Minutes**

**Employees' Retirement System  
Board Meeting**

**May 13, 2015 at 12:00 PM  
City Council Board Room**

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In the Sell Category, all performed well except Clean Energy and Cliffs Natural Resources, as they continue to drop and UBS recommends that these be sold. In addition based on their holding size these are very immaterial to the overall holdings. Suggested Buys were then reviewed. Taser has had a good run up, Ms. Sorensen recommends that the Board make these positions more meaningful (pg. 113/428 of pdf). Ms. Sorensen noted that the Board may want to reduce Proctor & Gamble holdings at this time due to earnings slowing and thus far the holding have obtained substantial growth (pg. 108/428 of pdf). At a later time, a list will be reviewed for further changes to be presented by UBS.

Mr. Henderson, questioned the decision making process on these small positions, concerned about timing of meetings perhaps being moved to a quarterly meeting vs. monthly review. Ms. Sorensen explained that communication with the System Administrator takes place as needed when necessary and Mr. McBride reiterated that the weight of the positions is immaterial to the overall holdings. Mr. Henderson asked if there is a mechanism in place for UBS to make decisions on small holdings, Ms. Sorensen stated there is currently not, however the System Administrator is contacted as necessary.

Resolution # ER – 2015-05-14

Moved by: Tom Gordon  
Seconded by: Steve Pallotta

RESOLVED, Sell Proctor & Gamble Shares (approximately 8,000 shares) to reduce holdings to \$1,000,000 at fair market value. Execute all buy and sell recommendations as proposed by UBS and attached to the minutes of this meeting.

Yeas: 5  
Absent: 2



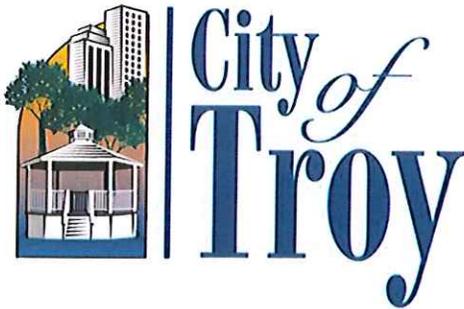
City of Troy

Suggested Stock Buys and Sells (small positions)

Sells	Company	Appr Value	Gain/Loss	
	ADT Corp	51,000	(5,800)	Stock considered overvalued at current price
	American Science Eng	151,000	(109,000)	PE Ratio 98
	Bed Bath & Beyond	113,000	32,000	Competition becoming greater
	Clean Energy	26,000	(75,000)	Long time poor performance - industry out of favor
	Cliffs Natural Resources	57,000	(406,000)	Long time poor performance - industry out of favor
	Fabrinet	93,000	(1,000)	Shares also held in NAIC - continue to hold in NAIC
		<u>491,000</u>		
Buy	Company	Appr Value	Addition to \$100,000	Unrealized Gain/Loss
	Abbott Labs	47,000	53,000	32,000
	AbbVie Inc	58,000	42,000	41,000
	Corning Inc.	68,000	32,000	(20,000)
	Dover Corp	70,000	30,000	35,000
	Samsung	64,000	36,000	(4,000)
	Taser	48,000	52,000	(5,000)
		<u>355,000</u>	<u>245,000</u>	

Values as of Monday March 30, 2015

May want to add larger positions to the Buy recommendations to make the positions more material and meaningful to the portfolio.  
*The information contained herein has been obtained from sources believed to be reliable, but we cannot guarantee its accuracy or completeness.*



**Minutes**

**Employees' Retirement System  
Board Meeting**

**May 13, 2015 at 12:00 PM  
City Council Board Room**

**Troy City Hall  
500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3330**

**Other Business:**

None

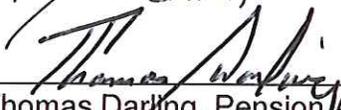
**Public Comment:**

None

The next meeting is Wednesday, June 10, 2015 at 12:00 p.m. at Troy City Hall, Council Board Conference Room, 500 W. Big Beaver Road, Troy, MI 48084.

The meeting adjourned at 12:35 p.m.

  
\_\_\_\_\_  
Mark Galice, Chairman  
Thomas Gordon, Vice-Chair

  
\_\_\_\_\_  
Thomas Darling, Pension Administrator

A regular meeting of the Troy Traffic Committee was held Wednesday, May 13, 2015 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

### 1. Roll Call

Present: Tim Brandstetter  
David Easterbrook  
Richard Kilmer  
Al Petruilis  
Pete Ziegenfelder  
Katie Regan (Student Representative)

Absent: Cynthia Wilsher

Also present: Matt Jansen, Principal, Wass Elementary  
Ofc. Gail Jasak, Police Department  
Lee Watkins, 2653 London  
Nancy Gierak-Taggart, 4586 Butler  
Sgt. Mike Szuminski, Police Department  
Bill Huotari, Deputy City Engineer/Traffic Engineer

### 2. Minutes – April 15, 2015

Resolution # 2015-05-21  
Moved by Kilmer  
Seconded by Brandstetter

To approve the April 15, 2015 minutes as printed.

Yes: Brandstetter, Easterbrook, Kilmer, Petruilis, Ziegenfelder  
No: None  
Absent: Wilsher

### MOTION CARRIED

### REGULAR BUSINESS

#### 3. Request for No Parking Zone – Wass Elementary – Willard and English

Gail Jasak, Troy Police School Resource Officer and Principal Matt Jansen requested that No Parking zones be established on Willard and English near Wass Elementary to provide better visibility for safeties to safely cross students and parents at the intersection. It is an extremely high traffic intersection with very close proximity to the school. A temporary traffic control order (TCO) was issued on March 30, 2015 and signs were installed on April 1, 2015. The temporary TCO is valid for 90 days or until replaced by a permanent TCO.

Traffic Engineering received three (3) emails prior to the meeting supporting the No Parking zone.

Principal Matt Jansen attended the meeting and discussed the situation at the intersection. The No Parking zone that has been created provides much better visibility at the intersection for K-5 students that attend the school as well as bikers in the area and for the school safeties. The intersection was waiting for a potential disaster. The signage has created a clear view at the intersection. There was one close call this year between a student and a vehicle before the signs were installed. There have been other close calls in the past. Troy Schools sent out email notices to all of their parents notifying them of the change and, for the most part, parents have been obeying the new signs. Mr. Jansen reiterated that the revised No Parking zone provides students and the community a safer intersection.

Officer Gail Jasak has observed the intersection many times. She stated that the intersection is very congested with parked cars and poor visibility for drivers, students and safeties. She agrees that the signs have done a good job of creating a safer environment for the students.

Mr. Kilmer asked about extending the No Parking zone to 5426 English to the south and to 2669 Willard to the east.

Mr. Brandstetter asked if the current signage was working. Principal Jansen and Officer Jasak both agreed that the current No Parking zone is sufficient and is working as intended.

Resolution # 2015-05-22

Moved by Brandstetter

Seconded by Kilmer

RESOLVED, that a No Stopping, Standing, Parking zone be created from 8:00 AM to 9:00 AM and 3:00 PM to 4:00 PM, school days only, near Wass Elementary at:

- a. Willard, south side, English to the west property line of #5443
- b. English, east side, Willard to the south property line of #5442

Yes: Brandstetter, Easterbrook, Kilmer, Petrusis, Ziegenfelder

No: None

Absent: Wilsher

## **MOTION CARRIED**

### **4. Request for Traffic Control – London at Butler**

Kim Ethridge of 2460 Terova states that the existing traffic control at the intersection of London at Butler is not adequate to assign right-of-way. Ms. Ethridge reports that the traffic control at the intersection creates a potentially hazardous condition.

Lee Watkins of 2653 London was in attendance at the meeting and supports Stop signs at the intersection. She stated that this has been an issue for some time and especially a problem during school dismissal time due to the parents that park near the intersection to pick up children. The existing Yield sign does not provide adequate right-of-way control at the intersection. Traffic is primarily going east on London to north on Butler and south on Butler to west on London.

Nancy Gierak-Taggart of 4586 Butler was also in attendance at the meeting and supports Stop signs at the intersection. Ms. Taggart stated that drivers going southbound on Butler to westbound on London do not yield at the intersection and it is a huge problem. She continued that many drivers just roll through the intersection without yielding or stopping. She agreed that parking in the area contributes to the issue but believes that Stop signs will address the larger issue of assigning right-of-way at the intersection.

Mr. Ziegenfelder supports Stop signs over Yield signs in all instances.

Mr. Brandstetter discussed the unique geometric character of the intersection as London ends to the east in a cul-de-sac and Butler ends to the south as a dead end. It is not apparent which is the continuing street and which should yield the right-of-way contributing to driver confusion at the intersection. Mr. Brandstetter continued that a 4-Way Stop controlled intersection would provide the necessary information to drivers in this instance. He noted that the southbound Butler to westbound London and eastbound London to northbound Butler movements are especially heavy.

Mr. Petruilis agreed that a 4-Way Stop controlled intersection would clarify right-of-way at this intersection.

Mr. Kilmer asked about the curve on southbound Butler just north of the intersection and visibility of a Stop sign at the intersection.

Mr. Brandstetter responded that a Stop sign would be easily visible to drivers moving at the posted speed limit.

Resolution # 2015-05-23  
Moved by Brandstetter  
Seconded by Easterbrook

RESOLVED, that the intersection of London at Butler be modified from an existing YIELD sign on Butler to ALL-WAY STOP control at the intersection of London at Butler.

Yes: Brandstetter, Easterbrook, Kilmer, Petruilis, Ziegenfelder  
No: None  
Absent: Wilsher

**MOTION CARRIED**

**5. Public Comment**

There was no public comment provided at the meeting.

**6. Other Business**

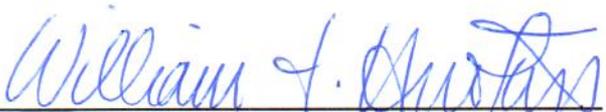
There was no other business addressed at the meeting.

**7. Adjourn**

The meeting adjourned at 8:10 p.m.



Pete Ziegenfelder, Chairperson



Bill Huotari, Deputy City Engineer/Traffic Engineer

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on May 26, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Ollie Apahidean  
 Karen Crusse  
 Donald Edmunds  
 Michael W. Hutson  
 Tom Krent  
 Padma Kuppa  
 John J. Tagle

Absent

Philip Sanzica  
 Thomas Strat

Also Present:

R. Brent Savidant, Planning Director  
 Ben Carlisle, Carlisle/Wortman Associates, Inc.  
 Allan Motzny, Assistant City Attorney  
 Mark F. Miller, Director of Community and Economic Development  
 Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2015-05-028**

Moved by: Kuppa  
 Seconded by: Krent

**RESOLVED**, To approve the Agenda as prepared.

Yes: All present (7)  
 Absent: Sanzica, Strat

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2015-05-029**

Moved by: Tagle  
 Seconded by: Apahidean

**RESOLVED**, To approve the minutes of the May 12, 2015 Regular meeting as submitted.

Yes: All present (7)  
 Absent: Sanzica, Strat

**MOTION CARRIED**

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

Chair Edmunds read the report submitted by Mr. Sanzica on the May 19, 2015 Zoning Board of Appeals (ZBA) meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant reported there was no Downtown Development Authority meeting in May.

7. PLANNING AND ZONING REPORT

Mr. Savidant announced a Conditional Rezoning application was submitted for Amber Studios and Lofts located in Section 27, east side of Livernois between Vermont and Birchwood.

**PRELIMINARY SITE PLAN REVIEW**

8. PRELIMINARY SITE PLAN REVIEW (File Number SP 1006) – Proposed Maple Veterinary Hospital Addition, South of Maple, West of Dequindre (2981 Iowa), Section 36, Currently Zoned NN (Neighborhood Node) “B”

Mr. Savidant said the applicant submitted a parking analysis that was distributed to the Board members prior to the beginning of tonight’s meeting. He reported the following items were received digitally today after regular business hours:

- Sealed drawings
- Color rendering
- Revised landscape plan
- Revised drawing showing elimination of fence
- “Bone” bike rack

Mr. Carlisle reported on the Preliminary Site Plan application, noting he had no opportunity to review the revised plans recently submitted. He addressed:

- Support in the applicant’s reinvestment in the property.
- Decorative landscape/plaza area; enhancement to street frontage along Iowa.
- Deficiencies cited in his report dated May 5, 2015.

Dr. Michael Derkevorkian addressed:

- Removal of fence.
- Additional entrance to accommodate surgery patients.
- Parking needs as relates to patient scheduling and staffing.
- Need to accommodate growing business.

There was discussion on the lack of consistency and harmony between the proposed addition and the existing building, specifically:

- Inconsistencies in rendering and drawing.
- Differences in brick color.
- Differences in roof pitch.
- No contiguous paint/trim color.
- No samples of building materials.

It was agreed to provide the applicant additional time to work closely with the architect to design the addition so that it is consistent and/or harmonious to the existing building.

**Resolution # PC-2015-05-030**

Moved by: Krent  
 Seconded by: Tagle

**RESOLVED**, To postpone the item to the June 9, 2015 Regular meeting to allow the applicant to come back with a complete set of drawings, to acknowledge the concerns addressed by the Board this evening and to comply with the conditions cited in the Planning Commission report dated May 5, 2015.

Yes: All present (7)  
 Absent: Sanzica, Strat

**MOTION CARRIED**

**ZONING ORDINANCE TEXT AMENDMENTS**

9. PROPOSED ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 248) – Woodland Protection

Discussion followed after a PowerPoint presentation by Mr. Carlisle.

Planning staff will prepare a proposed Zoning Ordinance Text Amendment for consideration at a future meeting.

10. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 247) – Oil and Gas Extraction

After a short discussion, it was the consensus of the Board to schedule a Public Hearing on June 23, 2015 for consideration of the proposed Zoning Ordinance Text Amendment.

11. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

12. PLANNING COMMISSION COMMENT

There were general Planning Commission comments.

The Regular meeting of the Planning Commission adjourned at 8:30 p.m.

Respectfully submitted,



\_\_\_\_\_  
Donald Edmunds, Chair



\_\_\_\_\_  
Kathy L. Czarnecki, Recording Secretary

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## CITY COUNCIL AGENDA ITEM

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Date: June 9, 2015

To: Brian Kischnick, City Manager

From: Mark Miller, Director of Economic & Community Development  
Cathy Russ, Library Director  
Phillip Kwik, Assistant Library Director

Subject: Troy Public Library Chosen as Part of MCLS Library Match Project

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The Troy Public Library is one of four Michigan libraries chosen to be a part of the Midwest Collaborative for Library Services (MCLS) **Library Match Project**, underwritten by The H.W. Wilson Foundation. This project is designed to improve communication and develop relationships among libraries in Michigan and Indiana.

Troy was chosen specifically because of our commitment to staff development, resulting in superior customer service and innovative programming. This project recognizes the Troy Library as a leader in developing intra-library partnerships and resource sharing among Midwest libraries.

During the six-month project, the four participating Michigan public libraries will be paired with four public libraries of similar size and demographics in Indiana. The Troy Public Library will be matched with the Kokomo-Howard County Public Library. The other Michigan libraries selected are: Delta Township Public Library in Lansing; the Pickford Community Library, and the Peter White Public Library in Marquette.

All participating libraries will be given \$2,100 worth of video-conferencing equipment that we will use to connect, communicate and collaborate with our peer library. We will mentor one another, expand professional connections, share staff training opportunities and expertise, conduct co-marketing activities, and develop collaborative public programs. Matched libraries are required to conduct a minimum of three specific activities together. The types of programs we are currently discussing are activities by Troy's Teen Advisory Board, a joint public book discussion or author talk, and a youth storytelling program, among others.

Once the project is completed, the equipment will be owned by the participating libraries. In Troy, we hope to use the equipment to develop a Business Resource Center, to fulfill one key objective of our 2013-2015 Strategic Plan: to Expand and Strengthen Partnerships with Troy and Regional Business.



## CITY COUNCIL AGENDA ITEM

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MCLS, a nonprofit membership organization based in Lansing, works with its members libraries in Michigan and Indiana to further the reach and impact of libraries of all sizes and types.

The H.W. Wilson Foundation, based in New York, has the mission to provide financial assistance to causes having the greatest impact on improving the spirit, mind and body of the greatest number of people through aid, support and cooperation with charitable, benevolent, educational and religious institutions.



## CITY COUNCIL AGENDA ITEM

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Date: June 1, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Paul Featherston, Building Official, SAFEbuilt  
Mitch Grusnick, City Building Official

Subject: Building Department Activity Report – May, 2015

---

The following attachment contains a summary of permit activity and project valuation for the Building Inspection Department comparing May 2014 to May 2015. Valuations have increased to above the levels from last year.

We have issued 3204 building, plumbing, electrical and mechanical related permits for the year so far compared to 3363 in May of 2014. Just about at the levels from last year.

Year to date project valuations thru May 2015 are at \$86,253,129. Compared to May 2014 building related permits had a valuation of \$63,147,913. A large increase in valuation for the start of the building season.

Our inspectors performed 6725 trade inspections for the month of May 2015 compared to 6153 for the month of May, 2014. A nice increase in inspections for this time of year.

Attachments:

1. Building Department Activity Report

Preparer of memo\file name\file location

## BUILDING PERMITS ISSUED

	<u>BUILDING PERMITS 2014</u>	<u>PERMIT VALUATION 2014</u>	<u>BUILDING PERMIT REVENUE 2014</u>	<u>BUILDING PERMITS 2015</u>	<u>PERMIT VALUATION 2015</u>	<u>BUILDING PERMIT REVENUE 2015</u>
JANUARY	85	\$ 13,726,432.00	\$ 215,511.91	172	\$ 13,789,620.00	\$ 352,653.99
FEBRUARY	99	\$ 12,432,557.00	\$ 253,007.65	85	\$ 5,271,646.00	\$ 155,426.00
MARCH	109	\$ 9,404,255.00	\$ 181,670.90	137	\$ 20,334,618.00	\$ 360,947.75
APRIL	180	\$ 9,270,743.00	\$ 236,353.06	228	\$ 24,744,935.00	\$ 417,945.02
MAY	239	\$ 18,313,926.00	\$ 355,839.39	227	\$ 22,112,310.00	\$ 375,491.94
JUNE	239	\$ 18,102,797.00	\$ 365,425.18	0	\$ -	
JULY	247	\$ 11,935,427.00	\$ 299,613.83	0	\$ -	
AUGUST	234	\$ 31,534,428.00	\$ 471,547.41	0	\$ -	
SEPTEMBER	224	\$ 15,976,077.00	\$ 255,081.96	0	\$ -	
OCTOBER	242	\$ 14,947,478.00	\$ 340,307.04	0	\$ -	
NOVEMBER	173	\$ 32,648,265.00	\$ 450,235.69	0	\$ -	
DECEMBER	155	\$ 6,816,141.00	\$ 206,579.46	0	\$ -	
<b>TOTAL</b>	<b>2226</b>	<b>\$195,108,526.00</b>	<b>\$3,631,173.48</b>	<b>849</b>	<b>\$86,253,129.00</b>	<b>\$1,662,464.70</b>



## CITY COUNCIL AGENDA ITEM

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Date: June 8, 2015

To: Brian Kischnick, City Manager

From: Elaine S. Bo, Recreation Director

Subject: SHARP (Senior Home Assistance Repair Program) Annual Report

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This memo will update you on the status of SHARP. Their annual report for 2014 is attached. This 501.c3 organization was formed in 2007 to help seniors with home repairs. This program is offered in partnership with the North Woodward Community Foundation and is operated mainly by volunteers. It is a worthwhile program that promotes independence for seniors and helps them remain in their homes.

- SHARP performs free home repairs for seniors age 60+ and persons with disabilities. There are no income restrictions for the program.
- 288 requests were received in 2014.
- Volunteers donated 720 hours to SHARP in 2014.
- The breakdown by type of request is as follows: 25% plumbing, 23% carpentry, 23% electrical, 12% yard work and 17% miscellaneous.
- 97% of recipients rated SHARP service as excellent. 3% rated it very good.
- SHARP volunteers are covered under the City of Troy's liability insurance. There have been no claims since the program started in 2007.

Effective September 1, 2011, the front desk staff at the Community Center discontinued taking requests for SHARP service which are now handled by a volunteer at the North Woodward Community Foundation office. One Recreation Department supervisor remains the City liaison for this program, involving 2-3 hours per month. City involvement consists of volunteer recruitment, background checks, providing liability insurance, assistance with publicity for the program, and providing a room at the Community Center for SHARP meetings.

# **SHARP- Troy**

**SENIOR HOME  
ASSISTANCE  
REPAIR PROGRAM**



**2014 Annual Report**

**April 24, 2015**

# SHARP-Troy Annual Report

## Executive Summary

The purpose of the Senior Home Assistance Repair Program (SHARP) is to assist qualified Troy homeowners maintain their home thus allowing them to remain independent for a longer period of time. The program is open to seniors (age 60+), physically challenged individuals or a Spouse of an Armed Serviceman/woman deployed or a serviceperson, who is single and is in the Armed Services, deployed and has designated a person as Supporter with the Armed Services. The program has been found to also enhance the quality of homeowners' life by making homes safer and by reducing the stress and confusion involved in making home repairs. The labor is free with the work being done by volunteers who are looking for meaningful opportunities to utilize their experience and skills. Homeowners pay for supplies. The program is performed in partnership with the City of Troy and the North Woodward Community Foundation. The program started in Troy in 2007. SHARP-Troy and the Foundation have helped start similar programs in Clawson (2008), Madison Heights (2009) and Auburn Hills (2010).

The program operates on a calendar year basis. This report summarizes what was accomplished in 2014.

Funding for the program covered all expenses and there was a surplus to carry over into 2015. The source of funding were homeowners' donations. Trevarrow ACE Hardware was a corporate sponsor.

In 2014, 288 requests were submitted. At the end of 2014, this brings the number of requests SHARP-Troy has received since the program inception to 2711 and the number of homeowners helped to 725.

As has been the case in the past, requests came in from all sections of Troy. Using ZIP Codes the results showed 27.4% requests from 48083, 13.2% requests from 48084, 36.8% requests from 48085 and 22.6% requests from 48098. 70% of the requests were for single type of repairs (e.g. plumbing) while 30% of the requests were for multiple types of repairs (e.g., electrical and yard work). Repairs are tracked by repair type. The most requested repair was for Plumbing with Electrical, Carpentry, Miscellaneous, Yardwork, HVAC and Painting in descending order. Taking into account time spent on assessments, initial repairs and follow up repairs, volunteers worked approximately 750 hours. (This does not include the number of hours volunteers spent on administrative tasks.). Using the average show up fee of \$90 and hourly rate of \$75, the estimated savings to Troy Homeowners was approximately \$80,000.

Appreciation for the program again was heart warming. 96.7% of the homeowners rated the program as Excellent and 3.3% as Very Good. These results and the homeowners' testimonials, as well as their donations, speak volumes of the thirty-three (33) volunteers who have performed the repairs and help administer the program.

Typical comments were:

- I love SHARP. It is a blessing for me. Thanks to everyone who volunteers!
- I've lived in Troy since 1969! Never used your service. I had tears in my eyes, as the volunteer pulled away! He was the nicest man!! He's quite the professional. He is sharp and knows his business
- Outstanding workmanship and commitment to doing a perfect and complete job.

Once again a Smoke Detector Program was performed. This program is comprised of changing out batteries and replacing/adding smoke detectors. Homeowners who were helped in 2013 were contacted. Twenty-three (23) homeowners participated. In total, sixty-two (62) batteries were replaced. No requests were made for smoke detectors replacement.

The major conclusions for this program are

- There continues to be a need for a citywide program that helps seniors, disabled homeowners and servicemen and women, regardless of income.
- The partnership of the City of Troy, North Woodward Community Foundation and dedicated volunteers has resulted in a very successful community action program.
- With careful planning the program can be self-sustaining.
- Volunteers, especially seniors, are willing to give time to such a program.
- Homeowners are extremely appreciative as indicated by their generous donations and kind words.
- Even with the serious economic conditions in Michigan, people were able to pay for supplies and not need financial aid. This may not be the case in 2015. There is a fund balance than can be used to provide such aid.

## **Program Success in 2014**

The history of the development of the Senior Home Assistance Repair Program (SHARP)-Troy and the program structure are described in Appendices A and B respectively.

The following is an overview of the 2014 program success.

### **Requests**

- **Overall**

288 were submitted (compared to 332 in 2013). As of the end of 2014, this brings the number of requests SHARP-Troy has received since the program inception in 2007 to 2711.

- The 288 requests that were served came from 150 homeowners. 34% of the homeowners submitted two or more requests (compared to 39% in 2013). 104 homeowners were repeat clients from previous years (about the same as 2013). 46 homeowners were first time clients (69 in 2013). This brings the number of homeowners SHARP-Troy has helped since the program inception in 2007 to 725.
- Also of the 288 requests, 70% resulted in one type of repair being performed while 30% resulted in two or more types of repairs being done. This was basically the same as 2013.

- **Demographics**

The program has demonstrated that there is a need city wide for such assistance. The breakdown of requests per ZIP Code was as follows:

- ZIP Code 48083 27.4% (was 30.1% in 2013)
- ZIP Code 48084 13.2% (was 13.4% in 2013)
- ZIP Code 48085 36.8% (was 36.5% in 2013)
- ZIP Code 48098 22.6% (was 20.0% in 2013)

The breakdown shows that the 2014 distribution was very similar to 2013.

### **Work Performed**

- **Assessments**

Assessment Coordinator assigned to a request indicate on the Intake Form the amount of time spent determining what repairs need to be done and what resources (manpower and supplies) are required. A total of approximately 25 hours were spent on assessments.

- **Description of repair category**

Volunteers assigned to a request were asked to log on the Intake Form the repair performed and the number of hours worked. Seven repair categories exist which are Electrical, Plumbing, Painting, Carpentry, HVAC, Yardwork and Miscellaneous. Within each category are subcategories to more specifically define the repair performed. (See Appendix C for detailed Job

Codes) The data on work performed is used to determine what volunteer skills/professional services are most in need. Volunteers on various repairs spent a total of approximately 720 hours (up from 630 in 2013).

- **Work performed**

An analysis was performed of the requests completed. The results showed that the largest percentage of the repairs was for Plumbing followed by Electrical, Carpentry, Miscellaneous, Yardwork, HVAC and Painting. The repair breakdown was as follows:

- Plumbing 25.1% (was 27.2% in 2013)
- Carpentry 23.3% (was 19.8% in 2013)
- Electrical 22.8% (was 18.7% in 2013)
- Miscellaneous 12.9% (was 16.7% in 2013)
- Yardwork 12.1% (was 11.6% in 2013)
- Painting 2.7% (was 3.7% in 2013)
- HVAC 1.1% (was 2.3% in 2013)

- **Cost Savings**

Using the average show up fee of \$90 and hourly rate of \$75, the estimated savings to Troy Homeowners was approximately \$80,000.

- **Administrative Tasks**

Volunteers gave their time to perform administrative tasks. This includes taking requests, following up with homeowners, contacting volunteers, maintaining the request database, preparing the meeting agendas and minutes, preparing the annual report, conducting training and attending meetings. Volunteers met quarterly starting in January to review work performed and open requests. Total estimated time given was approximately 500 hours.

## Performance

- **Survey Results**

A survey form was left with each homeowner to obtain feedback on the work performed. A rating system of 1-5 with 5 as Excellent, 4 as Very Good, 3 as Good, 2 as Satisfactory and 1 as Unsatisfactory was used. The results of the surveys returned showed 96.7% of the Homeowners rated the work performed as Excellent and 3.3% as Very Good (basically the same as 2013). These high ratings are a testament to the dedicated volunteers who work on the SHARP program.

- **Testimonials**

Comments from homeowners were also asked for on the survey card. The following is a sampling of the numerous comments received:

- I love SHARP. It is a blessing for me. Thanks to everyone who

- volunteers!
- I've lived in Troy since 1969! Never used your service. I had tears in my eyes, as the volunteer pulled away! He was the nicest man!! He's quite the professional. He is sharp and knows his business
  - Outstanding workmanship and commitment to doing a perfect and complete job.
  - Another great job by your staff.
  - Volunteer did excellent work. It is much appreciated.
  - Rating is a 10!
  - It is a wonderful, helpful service to seniors.
  - Volunteer is very polite and courteous and a great worker.
  - Thank you for your promptness in coming and I am thankful to have your services.
  - Do not know what I would do without this service.
  - Very helpful service to us seniors who have no one to help with minor repairs
  - As usual Thank You! I could not manage all this by myself.
  - The whole experience was very uplifting!
  - I am so thankful for this service as my husband has dementia!
  - I am very impressed with this program. The volunteer's are wonderful.

### **Smoke Detector Sub-Program**

This sub-program was again offered to Troy homeowners. Included in the program is provision to replace faulty detectors and to add needed detectors as well as replace batteries. The sub-program was mainly conducted during the first two months of 2014. Twenty-three (23) homeowners participated (up from 19 in 2013). In total, sixty-two (62) batteries were replaced (compared to 47 in 2013). No smoke detectors were installed or replaced.

### **Financials**

- **Sources of Funding**

Total funds received were \$3,551. Source of funding was homeowner's donations. As was the case in 2013, there was 100% reimbursement by homeowners for supplies purchased by SHARP volunteers at Trevarrow ACE or other supply stores.

- **Fund Utilization**

Total expenses were \$2894.27. Uses of funds breakdown were as follows:

- |  |          |
|--|----------|
| ○ Printing & Copying                     | \$858.07 |
| ○ Telephone                              | \$797.29 |
| ○ Computer Services                      | \$506.24 |
| ○ Volunteer Recognition                  | \$179.95 |
| ○ Administrative Fee (5% of Income plus) | \$177.55 |
| ○ Supplies                               | \$134.75 |

- |                            |          |
|----------------------------|----------|
| ○ Office Supplies          | \$122.25 |
| ○ Repairs Hardware & Parts | \$118.17 |

Homeowners were generous with donations and there were no requests for financial aid. There was a fund balance at the end of the year.

The program is charged for telephone and computer services expenses arranged by the North Woodward Community Foundation. A volunteer comes in weekly to take homeowners phone calls and fill in the Intake Forms with homeowner information. Volunteers have been obtained from articles in the City of Troy Senior Newsletter.

## **Conclusions**

The following conclusion can be drawn from 2014:

- There continues to be a need for a citywide program that helps seniors, disabled homeowners and servicemen and women, regardless of income.
- The partnership of the City of Troy, North Woodward Community Foundation and dedicated volunteers has resulted in a very successful community action program.
- A Smoke Detector Battery Change out program is needed.
- With careful planning the program can be self-sustaining.
- Volunteers, especially seniors, are willing to give time to such a program.
- Homeowners are extremely appreciative as indicated by their generous donations and kind words.
- Even with the serious economic conditions in Michigan, people were able to pay for supplies and not need financial aid. This may not be the case in 2015. There is a fund balance than can be used to provide such aid.

# **SHARP**

## **Annual Report**

### **Appendices A, B, C**

# Appendix A

## History

In December 2005, Dave Taylor attended a meeting at his church, Big Beaver United Methodist. The pastor was late because a senior parishioner who he had gone to counsel asked him to change a light bulb. The people at the meeting talked about how seniors could need help with other repairs. Dave came up with the idea for starting a program to perform simple home repairs for senior homeowners over the age of 60 regardless of income. His concept was that labor would be provided free; the homeowners would only have to pay for supplies.

In early 2006 Dave met with Carla Vaughan of Troy Parks and Recreation to explain his concept. Carla agreed that such a concept was very worthwhile and would offer to help implement such a program. With Carla's buy-in, Dave began recruitment of volunteers from the church. Five people came forward with general handyman backgrounds. In the spring Carla included a notice in the Senior Citizens Newsletters that was mailed to all seniors living in Troy. Dave and his small crew now soon were handling more work than they thought was going to be requested. It was evident to Dave there was a need for a citywide program. He dreamed of expanding his small program to the entire city.

Carla and Dave recognized that funding was going to be needed for such a program to move forward citywide. Carla knew of one source of funding that she had used in the past for some of her programs, which was the North Woodward Community Foundation, and she applied for a grant. Tom Kaszubski, Foundation President, and Jim Cyrulewski, Grant Committee Chairman, met with Dave and Carla. Tom and Jim agreed to present the concept to the Community Foundation Board of Directors. The Board agreed to award a grant to expand the program and in addition provide resources to help develop and assist with on-going administration.

Organizational meetings were held to further define program scope and details. The concept of a Steering Committee was agreed upon. A set of by-laws was drafted for the Senior Home Assistance Repair Program (SHARP). Also a proposed organizational structure for the Steering Committee was developed which included liaison positions for the City of Troy Senior Program Representative, Troy People Concerned and the Foundation.

On January 25, 2007 a kick off meeting was held at the Troy Community Center announcing the City Wide Program. The public and press attended. Dave Taylor told

of how this adventure had begun and dream for a program to help people in Troy. Dave's dream had become reality. The structure for the program is detailed in Appendix B.

In 2007, the first year of the program, 304 requests were handled; far exceeding expectations. In 2008 the number of requests increased to 371 showing a sustained need for such a program in Troy. In addition a supplemental program was initiated in 2008 for replacing smoke detectors batteries and faulty detectors.

The following Table shows requests received and homeowners helped per year:

Year	Requests	Homeowners Helped	
		New	Returning
2007	304	197	
2008	371	130	86
2009	434	96	112
2010	350	75	111
2011	301	62	111
2012	341	87	103
2013	332	69	106
2014	288	46	104

In the eight years a total of 725 homeowners have been helped with their 2711 requests.

In 2008, the City of Clawson approached SHARP-Troy about starting a program in Clawson. In October 2008, with assistance from SHARP-Troy volunteers, the SHARP-Clawson program was kicked-off.

In November 2008 the Michigan Recreation and Park Association Committee notified SHARP Chairman Dave Taylor that the SHARP-Troy program was one of winners of the 2009 Michigan Recreation and Park Association Community Service Award. This award is given to individuals and organizations throughout the state of Michigan who show outstanding support to public recreation and park programs in their community.

In 2009, the City of Madison Heights approached SHARP-Troy about starting a program in Madison Heights. In September 2009, with assistance from SHARP-Troy volunteers, the SHARP-Madison Heights program was kicked-off.

In 2009, the City of Auburn Hills also approached SHARP-Troy about starting a program in Auburn Hills. In April 2010, with assistance from SHARP-Troy volunteers, the SHARP-Auburn Hills program was kicked-off.

In 2011, working with the Michigan Army National Guard, the program was expanded in all four cities to include a Spouse of an Armed Serviceman/woman deployed or a serviceperson, who is single and is in the Armed Services, deployed and has designated a person as Supporter with the Armed Services. All branches of service are included.

# Appendix B

## Program Structure

The North Woodward Community Foundation of Troy and the SHARP Steering Committee have worked closely with the City of Troy Parks and Recreation staff to ensure a program structure that efficiently responds to homeowner's requests and qualifies/trains volunteers.

### **Requests for Work Process Overview**

Recognition was given that the request process needed to be kept simple with a central source for submittal of requests. All requests for repairs use a common document called the **Request Intake Form**. Homeowners call in their request to the North Woodward Community Foundation SHARP-Troy line. The Administrative Coordinator volunteer in turn fills out a Request Intake Form and assigns a unique number. The Administrative Coordinator calls the homeowner if any clarification is required. Once the form is acceptable, the Administrative Coordinator forwards the numbered request to a member of the Assessment Coordination Team and Database Coordinator. An Assessment Coordinator contacts the homeowner within two weeks of a submitted request to assess the repairs to be done. The Assessment Coordinator may do some simple tasks during the assessment visit.

When the assessment is done, the Request Intake Form is sent to the Administrative Coordinator and the Database Coordinator (who populates the database used to provide request information on the SHARP-Troy Web Site. This site is only accessible by SHARP-Troy volunteers.) There are two ways volunteers can learn what requests to volunteer for:

- Volunteers can access the Web Site to select requests they are willing to perform. They contact the Administrative Coordinator who sends the volunteer the Request Intake Form.
- or-
- The Administrative Coordinator contacts volunteers on open requests. The Administrative Coordinator sends the volunteer the Request Intake Form.

The volunteer contacts the homeowners to schedule a mutually agreeable time to perform tasks requested.

### **Donations and Survey**

Volunteers are provided project envelopes that contain survey and donation cards. Homeowners are asked to fill out the survey card to rate the service and provide comments. Homeowners are told to use the donation card if they wish to contribute to the program. Homeowners are provided an envelope to return the cards to the North Woodward Community Foundation. Their donation is tax deductible. Volunteers return the completed Request Intake Form to the Administrative Coordinator.

### **Volunteers Security Provisions**

The program is covered for liability insurance by the City of Troy. This requires that all volunteers complete a City of Troy Volunteer Application Form, agree to a background check and agree to follow City of Troy work rules.

Additional security provisions have been instituted. All volunteers are required to wear a specially designed photo ID badge. The badges are produced by the Foundation. The badges are replaced annually. Homeowners are informed that they are only to allow people who wear the SHARP badge on their premises

### **Training Program**

All volunteers are required to take a specially designed training class given by the SHARP Training Coordinator. Once the volunteers have gone through the class, they can be assigned to a request. A Training Manual has been developed which is given to each volunteer. The Training Coordinator maintains the manual and issues updates.

### **Volunteer Recruitment Program**

Turnover occurs in any volunteer program. Recognizing this the City Liaison ran articles in the Senior Newsletter and Newspapers. Also current volunteers were used to find additional volunteers in 2014. In 2014, thirty-three (33) volunteers participated in the program.

### **Homeowners Information Program**

A brochure has been developed. The brochure has been distributed to interested seniors at the Troy Community Center and City Hall. Likewise articles in the Senior Newsletter and newspapers have been used to publicize the program to homeowners.

### **Supplier Program**

The program attempts to minimize cash transactions by volunteers by teaming with local supply stores. The North Woodward Community Foundation has arranged with the local ACE Trevarrow Hardware Store to participate by establishing a special SHARP account that provides a reduction in the invoice for all supplies purchased that ACE Trevarrow sends the Foundation. This difference in what the homeowner pays the Foundation and what the Foundation pays the ACE Trevarrow is used to help pay for program expenses. (ACE Trevarrow has been involved with the program since January 2007.)

SHARP volunteers can use the accounts by providing the request number. When the Volunteers return the completed Request Intake Form, they include any supply receipts and homeowner supply reimbursement checks in the Request Envelope. Homeowners can also mail their reimbursement in the donation/survey envelope.

### **Financial Services**

Grateful homeowners have shown they want to make donations. The North Woodward Community Foundation provides the vehicle for homeowners to make such tax reduction donations. The Foundation developed a donation package that is left with homeowners. The Foundation sends out an acknowledgement letter than can be used for tax purposes to all homeowners who make a donation. In 2014, nearly \$3600 was received from homeowners who were helped.

The Foundation also provides all the financial services under an agreement with the City of Troy. This includes payments and reconciliation of expenses with ACE Trevarrow Hardware Store, reimbursement of volunteers, development of budget, development of monthly financial statements, preparation of all state filings and handling of the North Woodward Community Foundation SHARP-Troy Component Fund.

# Appendix C

## Repair job Codes

### Electrical Category

- E1) Replace light bulb or repair outlet
- E2) Replace light fixture or electrical outlet
- E3) Replace exterior light fixture
- E4) Miscellaneous
- E5) Need professional

### Plumbing Category

- P1) Replace washers on faucet
- P2) Replace faucet
- P3) Replace parts in toilet
- P4) Replace garbage disposal
- P5) Miscellaneous
- P6) Need professional

### Painting Category

- Pa1) Patch drywall or touch up paint
- Pa2) Paint interior room
- Pa3) Paint exterior
- Pa4) Miscellaneous
- Pa5) Need professional

### Carpentry Category

- C1) Reattach loose boards or trim
- C2) Replace trim or bad boards
- C3) Replace door
- C4) Replace door locks
- C5) Build handicap ramp
- C6) Miscellaneous
- C7) Need professional

### Yard Category

- Y1) Clean gutters
- Y2) Trim Shrubs
- Y3) Remove shrubs
- Y4) Trim Tree
- Y5) Miscellaneous
- Y6) Need contractor

### Miscellaneous Category

- M1) Take stuff to curb
- M2) Flip mattress
- M3) anything else

### HVAC Category

- H1) Replace Thermostat
- H2) Replace Filter
- H3) Relight Pilot
- H4) Replace thermal couple
- H5) Replace humidifier pad
- H6) Miscellaneous
- H7) Need professional

**From:** Robert Gornowich  
**Date:** June 12, 2015 at 9:42:23 AM EDT  
**To:** "'mayergg@troymi.gov'" <mayergg@troymi.gov>  
**Subject:** RE: Sgt. Smith and Officer Andy

Chief Mayer,

Good morning, sir.

I am writing about Sgt. Smith and Officer Andy B. of the Troy Police Department.

Yesterday afternoon, while I was assisting my friend Helen with a problem she had with her car, Sgt. Smith and Officer Andy approached us -during their dinner break- and offered their assistance. The help they provide was invaluable in getting Helen back on the road.

Their good humor, professionalism, and their willingness to help made a tough situation seem like no big deal at all. The assistance they provided, while only taking a few minutes, made a world of difference to Helen and me and we are both very grateful for how they helped us.

The City of Troy, and the law enforcement community at large, can be proud that these two men are in service to the community. I have no doubt they are representative of the kind of men and women that serve the city.

Thank you again Officer Andy and Sgt. Smith, and big 'Thank You' to the City of Troy for having officers like them out of the front lines.

Sincerely,

Bob Gornowich  
Novi, Michigan



**Bob Gornowich** | Account Executive  
[www.leasecorp.com](http://www.leasecorp.com)

SGTS SCOTT SMITH + ANDREW B. BENDENICH -  
THANK YOU FOR ASSISTING MR. GORNOWICH  
AND MAKING SUCH A GOOD IMPRESSION.  
THE DAILY INTERACTIONS WITH PEOPLE THAT  
ARE POSITIVE ARE GREAT TO HEAR ABOUT.  
Gary



Office of the Prosecuting Attorney  
County of Oakland

JESSICA R. COOPER  
Prosecutor

Paul T. Walton  
Chief Assistant Prosecutor

May 19, 2015

SGT. ROBERT WOLFE  
P.O. KRISY SCHULER  
P.O. JIM MORK



Chief Gary Mayer  
Troy Police Department  
500 W. Big Beaver Road  
Troy, MI 48084

Re: People v Bart Mitchell Spencer  
CR 2014-252240-FC

THANK YOU ALL FOR YOUR PROFESSIONAL  
EFFORTS IN BRINGING THIS MURDERER  
TO JUSTICE. Jay

Dear Chief Mayer:

I would like to acknowledge the work of Detectives Mork, Schuler, and Wolfe in the above referenced case. The defendant bludgeoned and strangled an elderly man in Bloomfield Township on September 4, 2014.

Detectives Schuler and Wolfe were part of the Major Crimes Assistance Team (MCAT) that investigated and apprehended the defendant. Specifically, these two Detectives were able to get the defendant to give numerous inconsistent statements.

Detective Mark provided valuable information from the download of the defendant's computer. The defendant was convicted of First Degree Murder on May 5, 2015.

I look forward to working with members of your department in the future.

Sincerely,

JESSICA R. COOPER  
PROSECUTING ATTORNEY

Robert W. Novy  
Assistant Prosecuting Attorney

RWN/cw